One in five parolees in America lives in California

california JOURNAL

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Rethinking the Death Penalty:

The hot button of California politics is cooling

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California JOURNAL
August 2002
Volume XXXIII, Number 8

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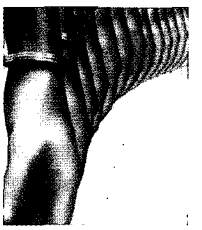
Beyond the tough talk

Across America, crime is down and prisons are filling up. California is experiencing a remarkable 30-year low in crime and its prison population is seven times larger than it was in 1980. The matter seems pretty settled on the campaign trail. Voters reward tough-talking politicians and now there isn't much difference between the major candidates. But as Jeremy Travis and Sarah Lawrence note in their article on page 18, America has also "embarked on a remarkable social experiment" with profound consequences. This month, CJ looks beyond the tough talk. On page 12, Jenifer Warren highlights a debate about whether Governor Davis has gone too far. And in our cover story, Theodore Hamm explores a slight but critical change on the death penalty as surveys now show most Californians support a moratorium.

David Lesher



The death penalty

California's hot-button issue is cooling in opinion polls. DNA exonerations, an unfair or inadequate legal system and moral anguish about killing mentally retarded or juvenile inmates have caused a second look.
By Theodore Hamm

Judge Davis

Governor Davis has approved only two of the 104 parole cases that have reached his desk. It's an issue he boasts about on the campaign trail, but it's also a topic for legal challenge to his authority.
By Jenifer Warren

Experimenting with parole

This research report from the Urban Institute reveals the striking contrast between incarceration and parole trends in California as compared to the nation.
By Jeremy Travis and Sarah Lawrence

Campaign trail: crime

Excerpts from speeches to the California District Attorneys Association by the gubernatorial candidates — Republican Bill Simon and Democrat Gray Davis.

Terrorism and California

Nearly a year after the attacks in New York and Washington, California state government has spent nearly $50 million on security, coordination and preparation.
By Bill Ainsworth

Our terrorism czar

George Vinson, California's first ever Special Advisor on State Security, said he sleeps well at night despite his regular threat updates. "I'm hard-wired for this," he said.
By Claudia Buck

Schwarzenegger's 2002 Campaign

Arnold Schwarzenegger, a.k.a. The Terminator, talks in a CJ interview about the ballot measure for after-school programs that he is sponsoring on the November ballot.
Q&A by David Lesher

On the cover are 8 of the 11 executed in California since 1978. *Left Row, top down:* Robert Alton Harris, executed 4/21/79; William George Bonin, 2/23/96; Darrell Keith Rich, 3/15/00; Stephen Wayne Anderson, 1/29/02. *Right row, top down:* Jaturun Siripongs, 2/9/99; David Edwin Mason, 8/4/93; Thomas M. Thompson, 7/14/98; Robert Lee Massie, 3/27/01.

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umbrage

League of his own. Back in September 1978, *California Journal* identified what it considered the Capitol's top 15 lobbyists, and the person ranked Number One — Dugald Gillies — was something of a surprise. The man generally considered the town's top advocate was Judge James Garibaldi, a contract lobbyist whose long list of clients included gambling and liquor interests. But the *Journal* tapped Gillies, who represented only one entity — the California Assn. of Realtors. Gillies, who died last month at age 83, was well known around Sacramento long before he went to work as a lobbyist. Back in the 1960s, he had been a consultant to the Senate Governmental Efficiency Committee and had wielded such power in that job that he was dubbed "the 41st senator." That was a time when the GE panel was the place where legislative leaders sent bills to die. It also was a time when committees often met the night before a hearing to decide matters in secret. Gillies, as the committee's top consultant, figured out the details. As a result, he often was detested by members whose bills were slaughtered behind closed doors. Once a lobbyist, however, Gillies' stature grew. He was known for meticulous preparation and for knowing and understanding the details of bills. He also became a master at calling out the troops on measures important to the real-estate industry, and for his deft direction of campaign contributions to key members of the Legislature. A native of New York, Gillies settled in Vallejo after his discharge from the Army in 1945. He came to the Legislature after becoming friends with then-state Sen. Luther Gibson, who chaired GE.

Dugald Gillies

Python proud. The race for governor between incumbent Democrat Gray Davis and Republican Bill Simon is still evolving, but if the current fax war staged for members of the press corps is an indicator of things to come, the public better brace itself. Best we can tell, the debate on issues of importance to California will consist of school yard taunts. The professional attack dogs in charge of this farce (Garry South for Davis and Sal Russo for Simon) seem to be applying their considerable talents to recreating skits from "Monty Python and the Holy Grail," especially the scene where French soldiers taunt King Arthur. If it continues in this vein to November, we won't have to speculate about why voter turnout is low.

Speaker power. It has been a long time since a speaker administered the kind of punishment that Democrat Herb Wesson dished out to Assm. Dean Florez (D-Shafter) last month when he fired Florez as head of the Joint Legislative Audit Committee. Essentially, Wesson was dealing with two distinct dynamics: one public and one internal to the Legislature. On the public side Wesson took heat because he canned someone perceived to have aggressively pursued an investigation — the Oracle contracting scandal. But the speaker apparently was willing to absorb that criticism in order to send an internal message. His supporters say, Florez was disciplined because, among other transgressions, he missed a key floor vote. Had Wesson not acted, it would have signaled that any Democrat could walk out on any difficult vote without fear of retribution. And with a series of troublesome votes looming over the budget and its trailer bills, Wesson couldn't afford a breakdown in caucus discipline. Only time will tell if he made the right choice.

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Media Watch:

The Yeltsin Project

A scene from Pete Wilson's 1990 campaign for governor appears in the movie.

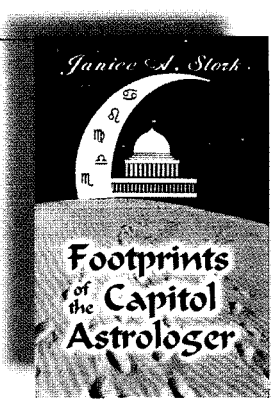
Back in 1996, the early rumor about who would play George Gorton in the movie was Hollywood hunk Tom Selleck. At least that was the name anonymously passed to reporters. Last month, filming of The Yeltsin Project was completed and Gorton — known around Sacramento as the political guru to former Governor Pete Wilson — was played by the closer likeness of Jurassic Park star Jeff Goldblum. The film, to be shown next year on Showtime, is based on a *Time* magazine cover story that revealed the fascinating, frightening and even funny tale about a team of California political advisors working in secret to elect Russian President Boris Yeltsin in 1996. Gorton was joined on the Russian campaign by two other Wilson advisors — pollster Dick Dresner and strategist Joe Shumate. In the film, Dresner is played by the Australian actor Anthony M. LaPaglia and Shumate is played by 35-year-old Liev Schreiber. When the initial magazine story broke, much attention was paid to the striking notion of former communists trying out the latest in American political tactics. But the Russian bureaucracy was so tangled and the traditions of the elite so unexpected, the film made several scenes into comedy. "It's definitely got a lot of laughs in it," said Gorton. In one scene about their second meeting with Russian officials, Gorton said the three consultants are taken to a large sauna where they each disrobed, were beaten with birch leaves and offered attractive female companions. "That is exactly what happened to me," he said.

GOP consultant George Gorton is played in the film by Jeff Goldblum.

Excerpts:

From the bookshelf

Footprints of the Capitol Astrologer
By Janice A. Stork
Astroprojections Press



Janice Stork hooked up with the California Legislature in 1968 as a young single mother desperate for her first job. Thus she began her 32-year career looking over the shoulders of legislators quietly scribbling a diary that was to become Footprints of the Capitol Astrologer. Imagine 'West Wing" meets "Upstairs Downstairs" but set in Sacramento. From her vantage point as a secretary to legislators including Dan Hauser, Waddie Deddah and Rusty Areias, Stork perused the upstairs political elite in action. But her story comes with a twist. Stork, who is an astrologer, views the Capitol as a "karmic cosmic playground." The book is peppered with political brass and and is also laced with Stork's own personal saga as the mother of a son conceived by an illicit affair with a legislator.

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The Death Penalty

The death penalty has been a political hot button in California for 40 years. But as legal and moral challenges surface across the country, a growing number of Californians favor a moratorium on its use until the issues are resolved. Two who don't are the major party candidates for governor.

By Theodore Hamm

Governor Ronald Reagan knew how to spot a trend. In 1972, when a pair of decisions from the U.S. and California supreme courts ruled the death penalty to be unconstitutional, he joined conservatives to sponsor a state ballot measure that would restore capital punishment. It passed overwhelmingly, proving his point that the era's "liberal" courts did not reflect the "popular will."

The death penalty has remained one of the hottest buttons in California politics ever since, almost single-handedly deciding the fate of several top state leaders. Led by future Governor George Deukmejian, state Republicans repeatedly used the issue against Democratic Governor Jerry Brown. And in 1986, conservatives led a popular campaign that successfully removed Brown-appointed Chief Justice Rose Bird and two other liberal justices from the state Supreme Court, primarily because of their reluctance to allow the death penalty to be carried out. In 1994, Pete Wilson virtually sank Democratic challenger Kathleen Brown by continually forcing her to defend her opposition to capital punishment.

By 1998, the lessons for Democrat Gray Davis were clear. "Politically speaking, the death penalty is a threshold issue for Democrats," explained Garry South, Davis' campaign manager. "If you can't pass that threshold, people will not listen to anything else you say. It's the equivalent of a woman's right to choose for Republicans."

Running against law-and-order Republican Dan Lungren, Davis campaigned equally strongly in favor of capital punishment. Since

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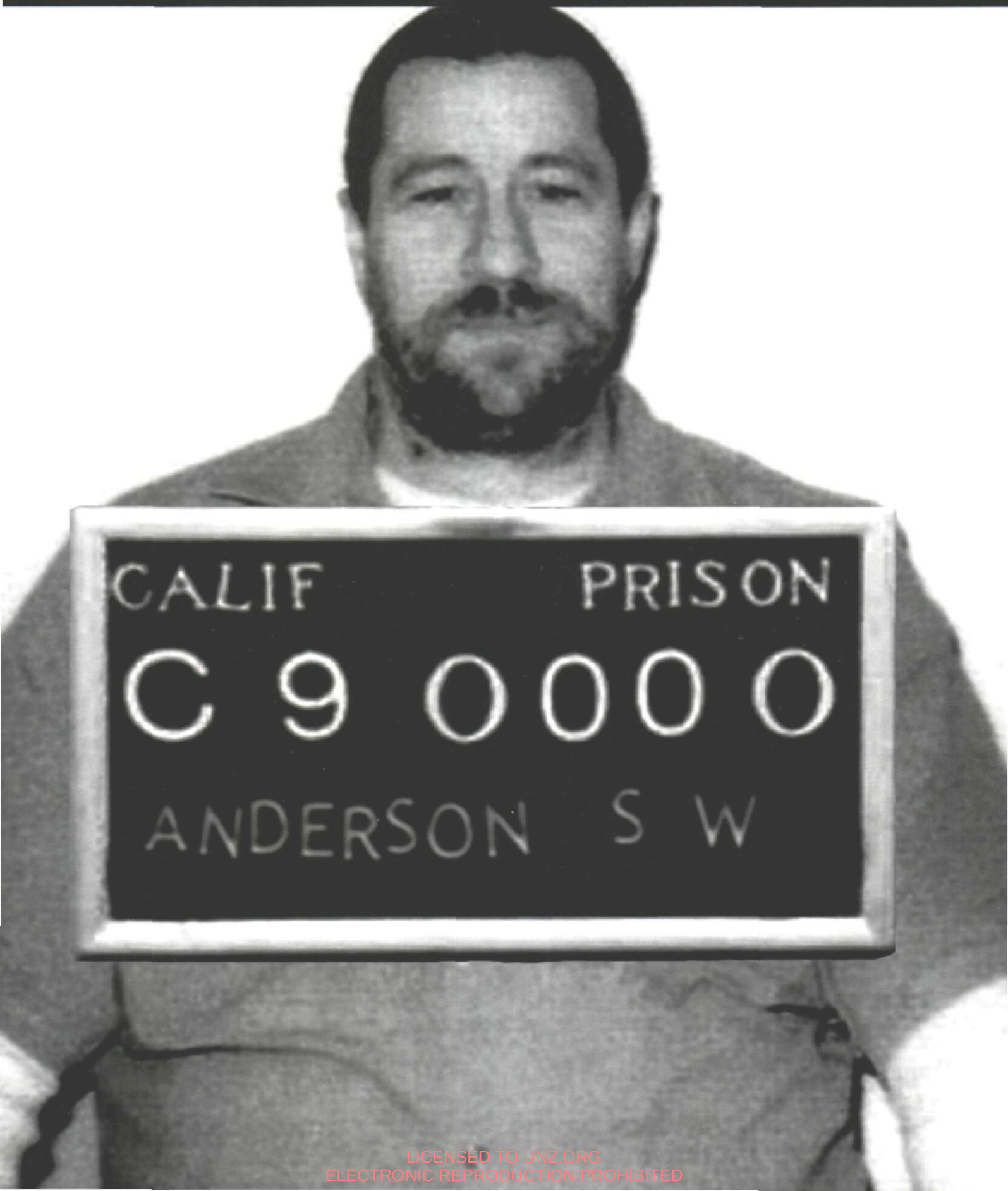
LAST CALIFORNIA EXECUTION • STEPHEN WAYNE ANDERSON • JANUARY 29, 2002



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CALIFORNIANS WHO SUPPORT A MORATORIUM ON THE DEATH PENALTY: 73%

source: Field Poll June 2000

then, in the five execution cases that have crossed his desk, he has not provided a hint of consideration for clemency. This year, with Republican challenger Bill Simon also supporting the death penalty, the issue has practically disappeared from the campaign trail.

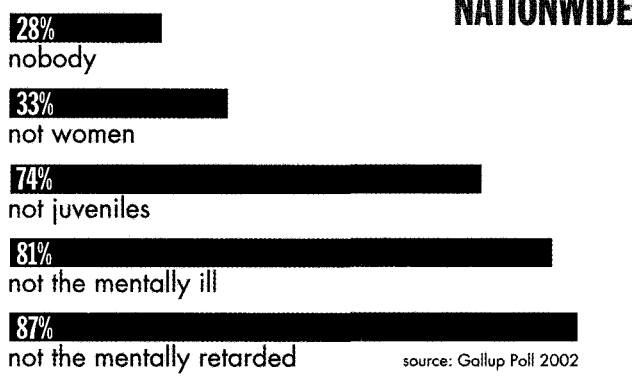
Yet across the country, the death penalty has faced strong challenges of late, both in the courts and at the political level. Two states with pro-death penalty governors have ordered moratoria on executions. And elsewhere, states have wrestled with troubling questions like the morality of executing mentally retarded convicts or juveniles and whether legal representation is adequate or punishment is applied without racial bias.

The questions have clearly taken a toll on public support for the death penalty. In California, the independent Field Poll has reflected a steady downward trend over the last decade from 80 percent in 1992 to 63 percent in June 2000, about the same level as recent polls have found nationwide.

Even more dramatic is that same Field Poll's finding that 73 percent of California voters — including 83 percent of Democrats and 62 percent of Republicans — favor a death penalty moratorium.

The findings question whether the death penalty is still the threshold issue that California politicians have learned to oppose at their peril. But if the candidates in this year's contests have detected any change in public sentiment, none appear ready to test it. Instead, they have shown little reaction to recent developments, including a flurry of court activity on the death penalty this summer.

WHO should receive **THE DEATH PENALTY?** **NATIONWIDE**



source: Gallup Poll 2002

DNA evidence **DEATH ROW EXONERATIONS**

NAME	STATE	CONVICTION DATE	EXONERATION DATE
Kirk Bloodsworth	MD	1985	1993
Earl Washington	VA	1984	2000
Frank Lee Smith	FL	1986	2000
Irvin Fain	ID	1983	2001
Ray Krone	AZ	1998	1999
Robert Miller	OK	1988	1998
Ron Williamson	OK	1979	1996
Dennis Williams	IL	1985	1996
Cerneal Jimerson	IL	1985	1995
Rolando Cruz	IL	1985	1995
Alejandro Hernandez	IL	1985	1995
Ronald Jones	IL	1989	1999

source: Innocence Project

In a five-day span in late June, the U.S. Supreme Court issued two important decisions. The first, *Atkins v. Virginia*, declared that the execution of mentally retarded prisoners contradicts the Eighth Amendment's "evolving standards of decency" clause. The next, *Ring v. Arizona*, stated that juries, not judges, must issue the death penalty.

The *Ring* decision does not apply to California, where juries decide whether or not to accept capital prosecutions. But since California has the largest death row in the country — currently 615 (13 women) — the *Atkins* decision inevitably may affect some prisoners' fates. According to an exhaustive article by the *LA Weekly's* Sara Catania, the 615 cases include at least 10 involving mentally retarded prisoners, all from Los Angeles County.

Although its recent decisions addressed some conditions for applying the death penalty, the Supreme Court clearly refrained from ruling on the issue as a whole. Thus, as the *New York Times* editorialized, "it would be wishful thinking to attribute the new ruling[s] to mounting anti-death-penalty fervor" on the Supreme Court. Meanwhile, it is even less likely that the California Supreme Court will become active in any effort to roll back the death penalty.

In a recent series of articles, *San Jose Mercury News* reporter Howard Mintz documented the California Supreme Court's overwhelming tendency to uphold death penalty decisions. Since 1997, the court has reversed only 10 percent of the death penalty cases for which it has produced full rulings. This compares to a nationwide

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average of 40 percent, and even places California well below Texas, where state courts have reversed 31 percent of recent decisions. During the same period, federal courts have overturned six out of every 10 California death penalty cases. Between November of 2001 and April of 2002 alone, the San Francisco-based Ninth Circuit reversed no fewer than eight state Supreme Court decisions.

The study shatters any lingering notions that California's courts are more liberal than those of any other states. As Mintz argues, "a state that touts itself as a national model in resources and legal protections for death penalty defendants [actually] has the same systemic problems that are fueling concerns about capital punishment nationwide." Chief among the problems that Mintz reports are the recurrence of inadequate legal representation for defendants, as well as the frequent incidence of prosecutorial misconduct and judicial errors.

The possibility for error revealed by Mintz's article points to the same kind of concern that recently prompted a federal judge in New York to issue a critical death penalty ruling. In early July, Judge Jed S. Rakoff of the Federal District Court declared the federal death penalty to be unconstitutional on the grounds that recent DNA exonerations have shown that an "undue risk of executing innocent people" now exists.

California's sheer volume of cases could put Rakoff's ruling to the test at the state level, since only a completely foolproof system could insure that all 615 inmates are indeed guilty. Even death penalty proponents agree that capital punishment prosecutions must be flawless.

But it was the doubts about a flawless process that forced changes in other states.

"In my opinion, [DNA exonerations have] done more to advance the anti-death penalty campaign than anything I've seen in my 30 years of practice," says Santa Clara University law professor Cookie Ridolfi, director of the Northern California Innocence Project.

Exonerations based on DNA and other evidence, of course, provided the catalyst for the moratorium on the death penalty that Illinois Governor George Ryan, a Republican, imposed two years ago. Even as he issued the moratorium, Ryan remained a proponent of the death penalty. As Ridolfi explained, however, "It's one thing to be for the death penalty, but nobody wants to execute innocent people. And when exonerations started to happen, and with increased frequency, people started to become aware of the flaws in our system."

In April a commission appointed by Ryan recommended no fewer than 85 changes in the death penalty process in Illinois, casting doubt on whether capital punishment will return to the state in the near future.

This past May, Maryland's Democratic governor, Parris Glendening, halted all executions in order to study whether patterns of racial and geographic bias existed in the state's capital convictions. Like Ryan, Glendening proclaimed his support for the death penalty even as he sought to ensure that all safeguards involving fairness and bias are in place.

Nationwide, questions about the integrity of state capital prosecutions have been raised by The Innocence Project, an organization started by attorneys Barry Scheck and Peter Neufeld. The group opened its doors in California in January 2001 and gained an important foothold when Senate Democratic Leader John Burton (D-San Francisco) sponsored legislation to provide funding for DNA testing in certain cases.

Similar tests nationwide on prisoners sentenced for a variety of crimes have produced more than 100 exonerations since 1989, including five in California since 1993. None of the five California cases involved a death penalty conviction, but the exonerations still undermine the "really false" perception that California's criminal justice system is flawless, said Ridolfi. Currently, she points out, there is no requirement for a review of DNA evidence in

CALIFORNIANS WHO THINK MENTALLY RETARDED CRIMINALS SHOULD BE ELIGIBLE FOR DEATH: 19%
source: Field Poll March 1997

DNA FINGERPRINTING

DNA "fingerprinting" as a tool in forensic science grew out of its use in the world of medicine. First developed in the mid-1980s to identify those at risk for genetic disease, DNA fingerprinting quickly found its way into criminal prosecution. The "fingerprint" is developed by putting a sample of body tissue or fluid through a series of tests to produce a pattern of black bars. If the bars from two separate samples are the same, there is a high probability that they came from the same person. The first criminal conviction based on this kind of evidence took place in 1988, and courts generally accept the reliability of this kind of evidence — both to convict and to exonerate. Still, there are those who believe that a DNA fingerprint is not conclusive because it only uses a segment of DNA, rather than an entire strand. Therefore, critics charge, the fingerprint may not be unique and no comprehensive research has been conducted to confirm the uniqueness factor. DNA fingerprinting also is expensive, thus depriving many criminal suspects of independent tests that may aid in their defense if criminal charges stemmed from state-gathered DNA evidence.

Source: Robert Belair, Microsoft On-Line Encarta Encyclopedia

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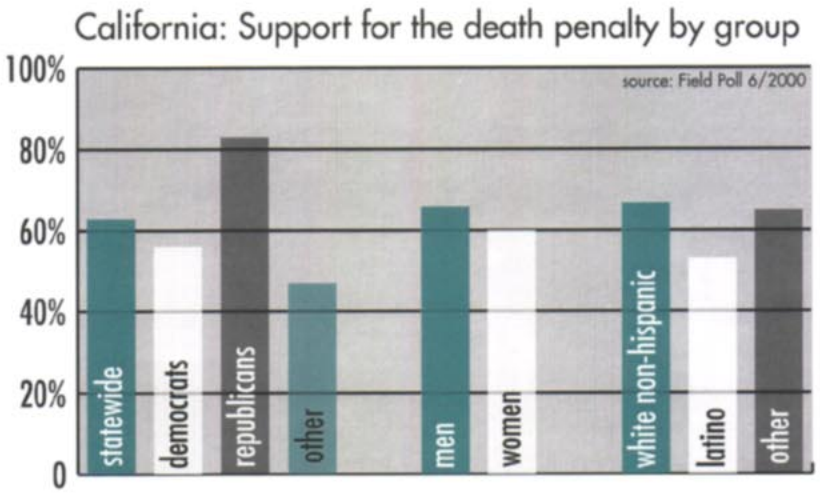
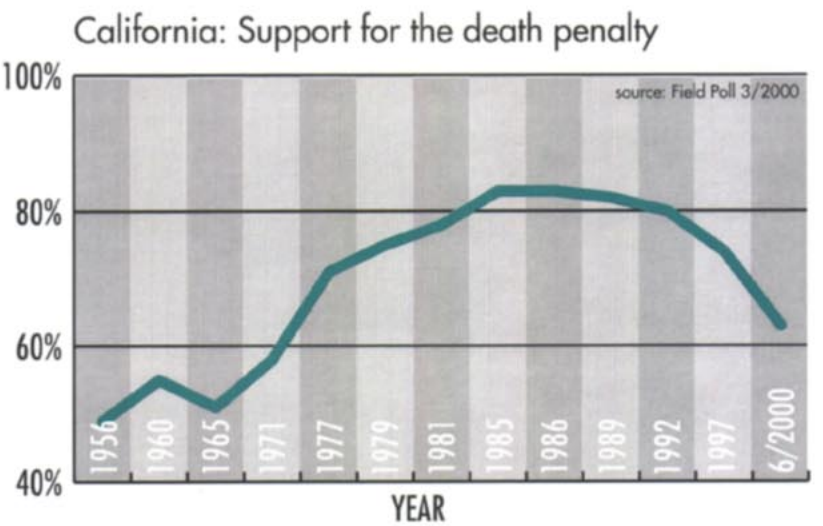
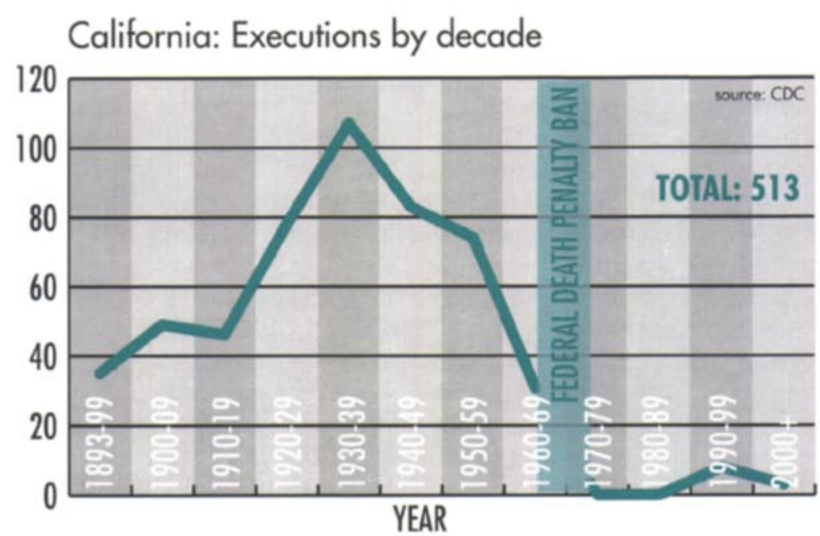
CALIFORNIA AND DEATH PENALTY







California capital cases.

In light of the recent questions, a new organization called Californians for a Moratorium on Executions is gaining strength. In early May, its representatives delivered over 90,000 signatures endorsing a moratorium to Governor Davis. Missy Longshore, program director of Death Penalty Focus and coordinator of the campaign, maintains that this is "the most exciting time since 1977 for the state's anti-death penalty movement." Citing the aforementioned Field Poll's 73 percent support for a moratorium, as well as the recent Maryland action and Illinois commission findings, Longshore says that "up until now, death penalty abolitionists have been really scared to even put the issue on the table. But given the current climate, we're feeling increasingly confident that the public is behind at least a moratorium." Since the same Field Poll in 2000 also recorded 63 percent of California voters as still favoring the death penalty in general, support for a moratorium is by no means confined to abolitionists alone.

The prospects for a moratorium still appear difficult, however, regardless of the outcome in the upcoming governor's race. Both major candidates argue that the state's criminal justice system is already sound enough to prevent the execution of an innocent prisoner.

"Governor Davis does not support a moratorium and will not support a moratorium," South stated. "Unlike Texas, we don't have an assembly line of executions," he said.

South points to the "good deal of protections" for capital defendants currently in place, and insists that "nobody who has looked at that process has indicated that there are severe weaknesses in it." Moreover, South says that one of the reasons that voters respect Davis' position on the death penalty is because he has remained consistent in his support for it throughout his political career.

For Republican challenger Simon, the matter is equally settled. "In several states, governors have declared or are considering moratoria on capital punishment. That will never happen in California under a Bill Simon administration," the candidate told a state convention of district attorneys in late June. Simon acknowledged the need to "make sure the death penalty is carried out in a fair and legally sound manner," but argued that this is "the governor's job, and I will make sure that it is done." Mark Miner, press secre-

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tary for the Simon campaign, stresses Simon's commitment to providing careful clemency review of each case, judgments he says would be based on Simon's experience as a federal prosecutor.

Both campaigns maintain that the death penalty is not a matter of cost, but instead one of public safety. And both insist their candidates are adamant about their positions, regardless of public opinion polls on the matter. The behavior of the candidates reflects the death penalty's long and clear trajectory in California's recent political history. It has been a defining issue, particularly for Democrats reaching to the political center.

Given the bipartisan deadlock on the issue, supporters of a moratorium on California's death penalty may ultimately pursue a different route: a ballot initiative. Longshore acknowledges that is "one of the options the moratorium campaign is considering. But at the moment, we don't have the millions of dollars it costs to run an initiative drive."

In the meantime, Californians are likely to hear an increasingly heated debate about the risks and fears being raised about the state's approach to capital punishment. All sides agree that the system must be perfect to avoid the tragedy of executing an innocent prisoner. But as Illinois Governor Ryan asked rhetorically last April: "Can we have a system that is? I don't know at this point."

DEATH SENTENCE STATUS CALIFORNIA

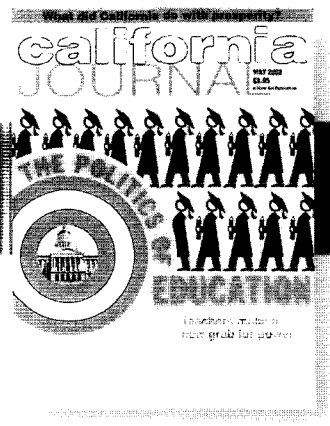
TOTAL SENT TO DEATH ROW (1978 to date)	**723**
Sentence overturned, resentenced or released	60
Death sentence from another state; returned to that state	2
Suicide	13
Died	22
Executed	11
TOTAL ON DEATH ROW	**615**

source: California Dept. of Corrections

Theodore Hamm is the author of Rebel and a Cause: Caryl Chessman and the Politics of the Death Penalty in Postwar California, *and he is editor of the* Brooklyn Rail, *an urban affairs publication in New York City.*

CALIFORNIANS WHO THINK JUVENILE CRIMINALS SHOULD NOT BE PUT TO DEATH: 33%

source: Field Poll March 1997



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Judge Davis

Governor Davis has approved only two of the 104 parole cases that have reached his desk. It's a record he boasts about on the campaign trail, but it's also the topic of legal challenges to determine whether the governor is exceeding his authority.

By Jenifer Warren

When Gray Davis walloped Dan Lungren to become the Golden State's 37th governor, few Californians rejoiced more heartily than a group of 23,000 murderers and kidnappers behind bars. Sentenced to life with the possibility of parole, these convicts saw the election of a Democrat as a godsend — deliverance from 16 years of law-and-order Republican rule. Davis, they reasoned, would surely crack open the cell door for well-behaved offenders, easing the state's rigid stance on parole.

Their optimism, it turns out, was sorely misplaced.

Throughout his first term, Davis has made his GOP predecessors look like veritable softies on the question of parole, especially for murderers. No matter what they've accomplished while incarcerated, no matter how much time they've done, no matter how many prison psychiatrists deem them rehabilitated, Davis has consistently refused — with two exceptions — to let eligible killers out.

In so doing, the governor is fulfilling a pledge he made shortly after taking office. In an interview with reporters, he vowed that no murderer would go free on his watch. "If you take someone else's life, forget it," the governor said. Asked if there was any imaginable circumstance that might alter his view, Davis was clear: "No. Zero."

The remarks sounded like classic political hyperbole. But the governor has veered off his stated course only twice in 104 cases — once in 2000, and a second time this past March. Both exceptions were battered women who killed their abusers. In each case, the governor concluded the inmates might never have been convicted of murder had the battered women's syndrome legal defense been available at the time they stood trial.

Advocates for crime victims applaud the governor's unwavering stance, saying it reflects a justifiable bias toward public safety. And his approach to parole is politically safe — if not beneficial, analysts say. Voters typically reward

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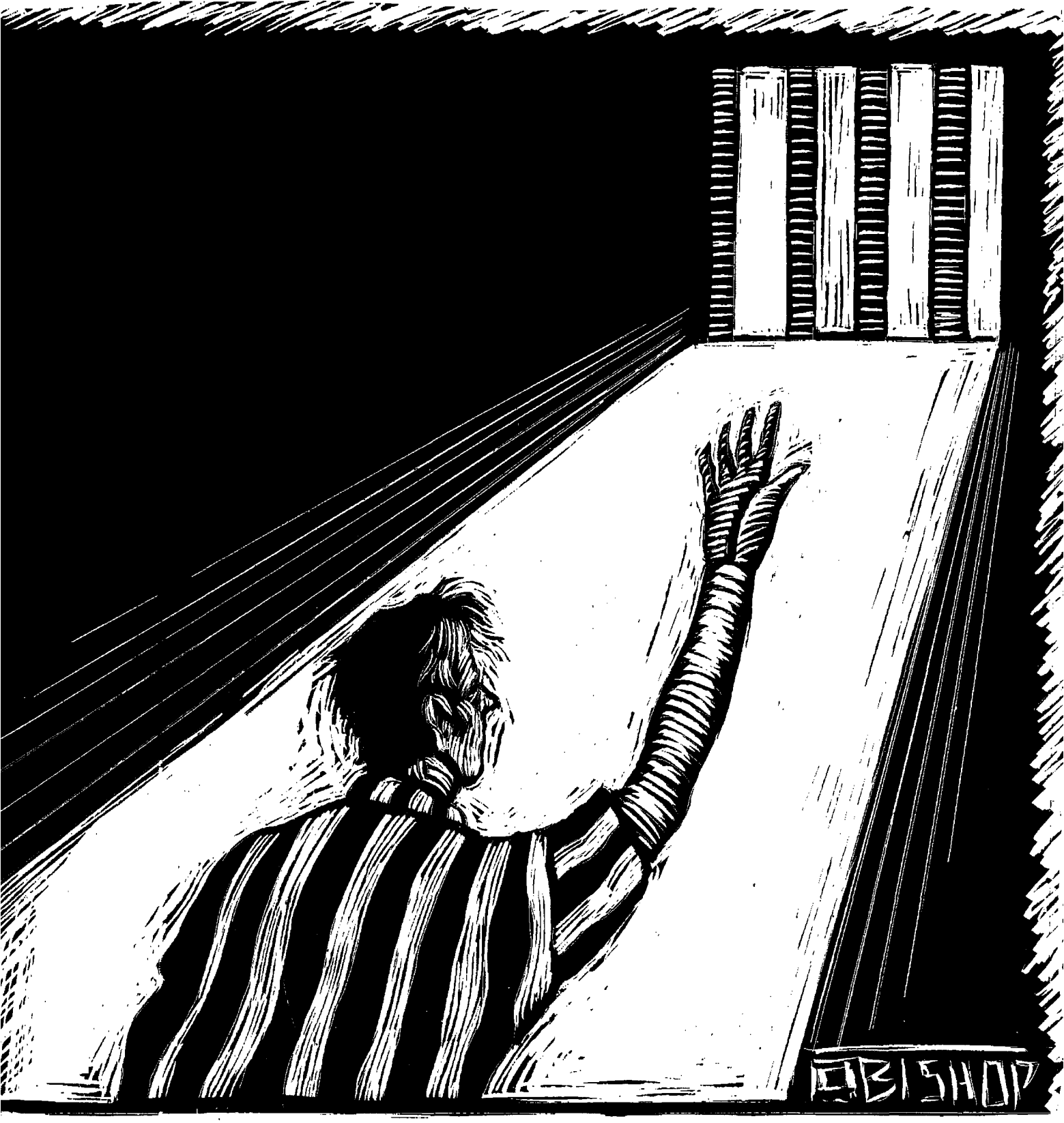

Illustration by Randy Mack Bishop

tough, anti-crime candidates. Also, every convict released with a governor's approval is a political risk, should they commit another crime.

"Davis is a cautious, risk-averse politician, and he is also very proud of his tough-on-crime image," said Barbara O'Connor, director of the Institute for the Study of Politics and Media at California State University, Sacramento. "So why gamble on these [prisoners]? He knows that just one mistake could erode the reputation he's worked so hard to build."

Still, critics are multiplying in the Capitol, the judiciary, even the population at large.

The Legislature's women's caucus has lobbied Davis on behalf of several battered women up for parole, including one he ultimately cleared for release. Senator Richard Polanco (D-Los Angeles) has held hearings to scrutinize the

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fairness of the administration's parole process and introduced a bill this year that would permit some lifers to skirt that process and have their readiness for release decided by a panel of judges.

A few fellow Democrats, including the powerful Senate leader, John Burton of San Francisco, express open disgust with Davis' policy, calling it unjust and blind to the possibility of redemption. "I believe people are capable of change and deserve another shot," Burton said. "Judging by his record, [the governor] does not."

Perhaps the most vigorous pounding has come from the courts. Historically, judges have been reluctant to meddle with executive branch authority over parole, allowing the state Board of Prison Terms and the governor broad discretion in deciding which inmates should be freed. But in a recent string of cases up and down the state, judges have rebuked Davis for blocking a prisoner's parole when there is no evidence he remains dangerous.

One case in June, decided by Sonoma County Superior Court Judge Elliot Lee Daum, drew a direct link to Davis' no-parole vow. "The governor's actions in denying parole ... bear out his public statements," Daum wrote. "One would have to, in Inspector Clouseau-like fashion, pay studious inattention to the obvious to conclude otherwise."

Two cases, both involving Los Angeles County men convicted of second degree murder, are now before the state Supreme Court. The court's decision — expected before next year — will define the scope of the governor's powers and dramatically alter the odds for scores of other lifers who claim Davis has unlawfully denied them parole.

Standing proud

The governor has said he welcomes the high court's intervention, and in one recent speech, he made an almost boastful reference to the legal challenges. "I make no apologies for [my] decisions, and as governor of this state, I'm proud to side with those people who stand for law and order, plain and simple," he said.

Under state law, paroles are handed down by the nine-member Board of Prison Terms, appointed by the governor. About 3,000 inmates whose terms are not fixed in length — most of them convicted of murder, attempted murder or kidnapping — come before the board each year. (A much smaller number of prisoners, convicted of more heinous crimes, are ineligible for parole or await execution.).

The board must determine which of those it evaluates no longer pose an "unreasonable risk of danger" to society. And in recent years, it has taken an increasingly narrow view of those who should be released. In 1980 board members approved parole for more than 10 percent of those they reviewed. Under GOP Governor George Deukmejian, they endorsed about 5 percent of the inmates evaluated. That figure fell during the 1990s, and now the board recommends parole for about 1 percent of eligible prisoners.

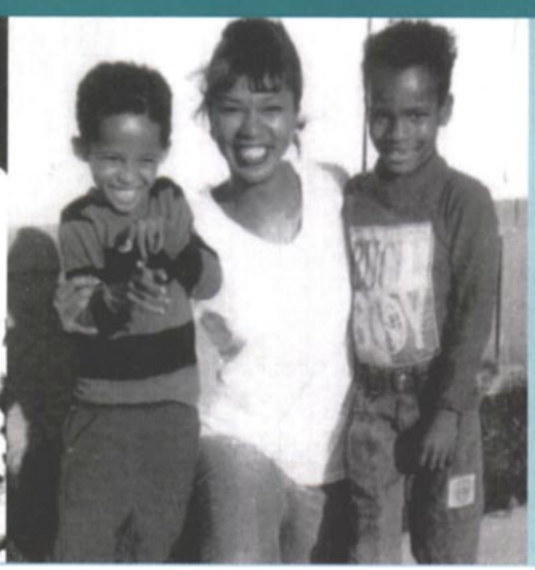
The few murderers who manage to win approval from the board, then must pass muster with Davis. He can invalidate the grant, modify it or permit the inmate to go home.

David Ramos, 40, has served 21 years in prison for a murder committed in 1981. In January, he won a parole date from the board. After a lengthy hearing, the commissioners congratulated him, praised his behavior behind bars and wished him luck. Soon after, his case landed on the governor's desk.

Those familiar with Ramos say it is hard to imagine an inmate more deserving of parole. Though convicted of first degree murder, his role was driving the killer to the crime scene, not wielding a weapon. While Ramos is remorseful and takes full responsibility for the victim's death, his former defense attorney blames himself for the murder conviction, saying he bungled the case.

Ramos has a near perfect prison record, his only disciplinary citation stemming from a fight in which he

The two Davis parolees



Cheryl Sellers, far left, with her children, and Rose Ann Parker, left, with her children, are the only two convicted murderers who have been approved for parole by Governor Davis. Sellers was sentenced for killing her husband and Parker for killing her boyfriend, both after years of abuse. Davis has rejected parole in 102 other cases that have reached his desk, including another battered woman, Valere Boyd, serving time for the shooting death of her husband.

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"Prisoners have no lobby, so they're an easy target. There's very little fall-out and no immediate political consequences."

— Barbara O'Connor, Institute for the Study of Politics and Media

was attacked by a mentally ill inmate. He has mastered a trade, earned a college degree and received exceptional evaluations from correctional staff. During the last decade, he has worked as a volunteer tutor, teaching more than 1,000 inmates to read. In 1997, he was named tutor of the year by the group California Literacy, chosen not just from among the few prisoners who teach reading, but from among 13,000 Californians who donate time to the cause. "This is someone whose dedication truly stood out, who went above and beyond," the chairman of the selection panel said.

In June, Davis rendered his verdict in the case: Ramos, he concluded, "remains a danger to public safety" and should not be released.

A release valve

Criminologists say parole serves as a release valve for increasingly crowded prisons — and as a powerful enticement for inmates to rehabilitate themselves. By essentially eliminating the proverbial light at the end of the tunnel, they say Davis gives prisoners little hope for freedom and little reason to play by the rules. Inmates and correctional officers say the mood within California's penal system today is one of discouragement, creating a dangerous climate for guards and for those lifers who stay the course.

In a telephone interview from Avenal State Prison, Ramos said he fully expected the governor to block his parole. "I've become so jaded about the process that it doesn't affect me, and I will just keep doing what I'm doing," he said. The other lifers, however, are "completely devastated. They look at me and say, 'Here is a guy who has done everything right, who has worked so hard and done so much time. If they [didn't] let him out, I'll never get out.'"

Judging by his public remarks, Davis is proud of that perception. In a recent speech to the California District Attorneys Association, he made three references to his parole approach, calling it "no-nonsense" and saying his tough stance on crime overall is "second to none." Noting that there are 50 or 60 lawsuits against him in the courts, he added, "I m going to do what I believe is right."

Governors did not always enjoy such broad power over who gets paroled. That authority was created thanks to former Governor Deukmejian, a Republican whose anger over his inability to block the release of a rapist and murderer spawned a 1988 ballot initiative, Proposition 89. Passed by 55 percent of the voters, it gave governors the right to intervene.

That same year, politicians received a powerful lesson in the perils of parole, one that can be summed up in two words: Willie Horton.

Horton is the Massachusetts murderer who raped a woman while on a weekend furlough granted by then-Governor Michael Dukakis. In the 1988 presidential race, former President George Bush used the image of Horton to lambaste Dukakis as soft on crime, a blow from which he never recovered. The episode was seared into the consciousness of political consultants, who concluded that when it comes to crime, you can't be too tough. In California, subsequent high-profile crimes such as the kidnapping and murder of Petaluma's 12-year-old Polly Klaas by a repeat felon drove the lesson home with more intensity.

"Politicians realize that there's nothing to be lost" by being hard on criminals, O'Connor said. "Prisoners have no lobby, so they're an easy target. There's very little fall-out and no immediate political consequences."

The governor's deputy press secretary, Byron Tucker, insists that the ghost of Willie Horton has no bearing on the governor's parole decisions. He did note, however, that Davis makes his rulings with the feelings of victims foremost in his mind. "For them," Tucker said, "there is no parole from the loss of their loves ones."

Tucker added that Davis has not rejected all inmates as undeserving of release, citing the two battered women he cleared for parole. The first was Rose Ann Parker, who shot her ex-boyfriend after he came to her apartment with a gun and threatened to kill her and her young son. Davis concluded that Parker, who served 15 years for the crime, believed she was in imminent danger at the time, citing a relationship marked by violence and abuse.

Since her release, a handful of other battered women have won parole grants from the board, but only one — Cheryl Sellers — has been approved by Davis. Sellers shot her husband in 1983 after years of abuse and was the object of an intense lobbying effort by the Legislature's women's caucus and feminists around the state.

At the same time he approved Sellers' parole, Davis reversed the board's grant to another battered woman, Valere Boyd. Like Sellers, Boyd had no prior criminal record. She shot her husband, Kermit Boyd, in 1985 after suffering what state investigators concluded were years of physical and mental abuse. Even the trial judge wrote a letter supporting her release.

"By reversing [Boyd's] parole at the same time he approved [Sellers'], Davis could show conservatives he's still 'tough on crime,' " said Olivia Wang, director of the California Coalition for Battered Women in Prison. "It just

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goes to show that Davis puts his political career above principles of justice."

History suggests that the governor is unlikely to become more generous with paroles unless ordered to do so by the state Supreme Court. In May, the court agreed to hear the cases of two inmates judged suitable for release by the parole board, then rejected by Davis.

The best known is Robert Rosenkrantz, 35, convicted of murdering a schoolmate who broke into his family's beach house, found Rosenkrantz with another man, and told Rosenkrantz's parents their son was gay. Fearful that his father would disown him, Rosenkrantz demanded that the schoolmate, Steven Redman, retract the story. When he refused, Rosenkrantz shot him 10 times with an Uzi.

Gay and lesbian groups have characterized Redman's outing of Rosenkrantz as a hate crime that mitigated the murder that followed. But Davis, in his October 2000 review of the case, said whatever "stress Mr. Rosenkrantz felt over disclosure of his homosexuality does not minimize the viciousness of the murder," and said he remains a significant risk to society.

In the Smith case, the judge noted that Davis had wrongly identified the inmate as one of the killers, rather than an accomplice, and had exaggerated his criminal history.

Mark Smith was convicted in the killing of Rick Diamon, who was shot and drowned in a creek in Los Angeles, apparently after an argument over cocaine. Smith, who suffers from AIDS, heart disease and cancer, has served 17 years in prison. Stricken with AIDS-related dementia, he had trouble following the hearing at which the board granted him parole. But Davis, in his subsequent assessment, called Smith a "person with little regard for human life" and invalidated the grant.

In both cases, Superior Court judges — and an appellate court in the Rosenkrantz case — found Davis had no evidence for his conclusions. In the Smith case, the judge noted that Davis had wrongly identified the inmate as one of the killers, rather than an accomplice, and had exaggerated his criminal history.

"The court is keenly aware of the fact that it is being asked to second-guess the governor of this great state," Los Angeles Superior Court Judge Keith L. Schwartz wrote. But though "reasonable minds can differ" over whether a prisoner is ready to be paroled, the Board of Prison Terms clearly made the correct decision on Smith, he concluded.

Legal scholars said the high court's decision to take the cases signals that they involve weighty issues deserving of quick resolution. "The court clearly realized that at some point, it had to resolve this issue because there are so many cases backing up behind Rosenkrantz," said Peter Keane, dean of Golden Gate University School of Law.

Parker, the first inmate to win parole from Davis, now runs a San Bernardino ministry that counsels young women about domestic abuse. A mother of three, she says she is thankful that Davis took a chance on her — and prays that he will find "the courage" to free others who have done their time and proven "they have something to give back to society.

"I can appreciate him being careful," she said, "but I think if he met some of these people and could really see their true character, things would be different."

Jenifer Warren is a Sacramento-based reporter for the Los Angeles Times. *Comments on this article may be sent to* **edit@statenet.com.**

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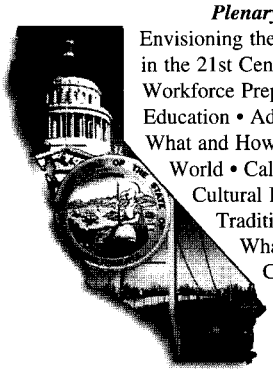

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The Los Angeles school fiasco

Sometimes it seems that the Los Angeles Unified School District is its own worst enemy. Its history of dysfunction could sabotage the passage of much needed bonds this November. They include the $13 billion statewide Kindergarten-University Public Education Facilities Bond Acts of 2002 and a planned $3.3 billion local school construction bond.

Of the more than 730,000 students currently enrolled in LAUSD, it is estimated that roughly 80,000 children lack a "dedicated" classroom seat. According to LA civil rights attorney Connie Rice, if those "unhoused" children, mostly non-white and poor, constituted their own school district, it would be "the fifth largest district in the state." That means if voters approve those massive bond issues, LAUSD will embark on one of the largest school construction campaigns in history.

But that "if" looms large.

There have been moves toward reform by the district's activist school board and Superintendent Roy Romer, a former governor of Colorado. Despite significant improvements, however, the district sometimes appears intent on tripping all over itself to prove its ineptitude. Voter response to district missteps has ranged from incredulous to angry.

Despite significant improvements, however, the district sometimes appears intent on tripping all over itself to prove its ineptitude.

Most recently, there was the expenditure of roughly $100,000 on private bathrooms for Romer and the seven elected board members as part of $180 million being spent to relocate and renovate district headquarters. In comparison, Jefferson High in South Central Los Angeles has an estimated ratio of students to bathrooms of over 500 to 1.

The president of the teachers union called the board's perks "outrageous;" the *Los Angeles Times* dubbed the move the "School Board's Royal Flush."

The Belmont Learning Center fiasco still hangs over LAUSD. The district began building the huge edifice on a former oil field; then, after spending about $154 million on the project, the board halted construction because of fears concerning health and safety hazards related to toxic gases found under the site. Although Romer has initiated moves toward completing the controversial high school, the building rises near downtown like a monument to LAUSD incompetence.

The passage of Proposition BB, a $2.4 billion bond approved by voters in 1997, cranked up a much-needed school construction and repair program, but the district bungled its implementation. An audit by the Proposition BB Citizens Oversight Committee nailed pre-Romer administrators for a $600 million shortfall in BB funds tied to cost overruns, contract disputes and lax oversight.

Although the new regime has been credited with tightening expenditure procedures and improving supervision, many voters still are unwilling to trust the district with billions more. Among the most hesitant are San Fernando Valley voters — and that could prove dicey for LAUSD. On the natural, Valleyites are high-propensity voters who tend to be less than supportive of school bonds. With Valley and Hollywood secession on the November ballot, will pro-secessionists come out to vote for independence and against the new bonds?

Although the breakaway movement was fueled, in part, by frustration with LA schools, a Valley divorce from Los Angeles won't result in a split from LAUSD. Bond proponents intend to use that reality to argue that Valley pro-secession voters should support the bonds. Increasing numbers of students are bused from other parts of the city to the Valley, Romer has noted, and "[w]e have to build these buildings no matter what" or "it's just going to mean more overcrowded schools in the Valley."

The U.S. Supreme Court may have thrown another obstacle in the path of school bonds when it ruled that vouchers — tax-financed grants to students that would allow them to attend private or religious schools — were not unconstitutional. Although Californians have twice trounced statewide voucher initiatives at the polls, Angelenos frustrated with school performance might use that possibility of escaping LAUSD as an argument to withhold support for building more schools.

There's an old maxim called "the streetcar theory of politics" that has some relevance to LAUSD. The theory says that to be successful, you have to be on the right street corner at the right time, with the right change in your hand, and the streetcar has to be going in the right direction. To fund the future of LA's troubled school system, its leaders will have to work hard — and quickly — to shake the district's history of being at the wrong stop, at the wrong time with the wrong change.

Sherry Bebitch Jeffe is a senior scholar at USC's School of Policy, Planning & Development. Comments may be sent to **edit@statenet.com.**

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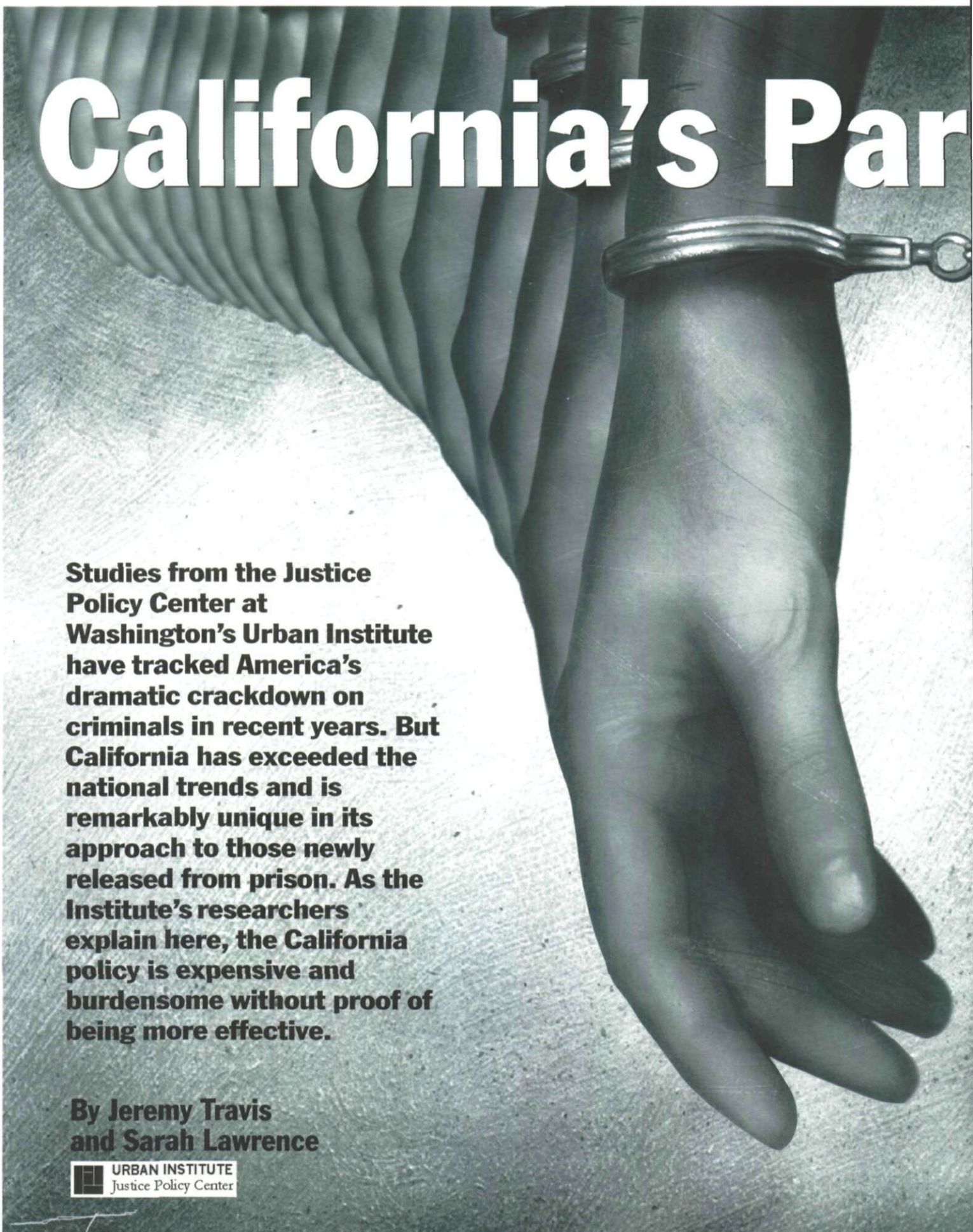
California's Par



Studies from the Justice Policy Center at Washington's Urban Institute have tracked America's dramatic crackdown on criminals in recent years. But California has exceeded the national trends and is remarkably unique in its approach to those newly released from prison. As the Institute's researchers explain here, the California policy is expensive and burdensome without proof of being more effective.

By Jeremy Travis and Sarah Lawrence

URBAN INSTITUTE
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ole Experiment

Our country has embarked on a remarkable social experiment: We have significantly increased the use of incarceration as a response to crime. Over the past 25 years, the per capita rate of incarceration in America has increased four-fold. More than 2 million individuals are now locked up in prison or jail.

The increase has taken on a unique twist in California, particularly in regard to its parole policy. Unlike many other states, nearly every prisoner released in California is placed on parole, and studies indicate the state has an especially tough policy on parole violators. As a result, California is now the national leader in returning parolees to prison and its return rate has increased 30 times between 1980 and 2000.

Today, nearly one in five parolees in America lives in California.

In effect, California has been embarking on an experiment of its own, embedded within the national experience.

This social experiment has profound social consequences in America. A few data points illustrate the breadth of these impacts:

- An African American male now has a 29 percent lifetime chance of serving at least a year in prison.
- In seven states in this country, a quarter of the

Illustration by Jon Krause

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African American male population is disqualified from voting for life.

• 1.5 million minor children have a mother or father in prison at any given time, the equivalent of 2 percent of all children and 7 percent of all African American children.

• The penetration of criminal justice involvement on inner-city neighborhoods is extensive. In some Brooklyn blocks, for example, one-in-eight parenting age males goes to jail or prison each year.

In California, the incarceration levels have increased at rates greater than the national average. Between 1980 and 2000, the state prison population increased nearly seven-fold, from 23,264 to 158,117, compared to a four-fold increase nationally during this same period. One primary reason is the state's rapid population growth. Controlling for population reveals that the incarceration rate in California has tracked the national rate fairly closely. California's incarceration rate is 467 per 100,000 population compared to the national average of 432.

More important, California's growth in the numbers of people on parole supervision — and in the numbers whose parole has been revoked — has far exceeded the growth in the rest of the nation.

More than 95 percent of prisoners will be released to the community, so it follows that increases in the number of people going into prison will increase the number of people released from prison. But the number of "releases to parole" (which may include one person being released more than once in a year) has increased even more sharply than the prison population.

In 1980 there were 11,759 releases to parole, while in 2000 there were 126,117— more than a 10-fold increase. During this same period of time, the number of prisoners released to parole across the country increased only four-fold.

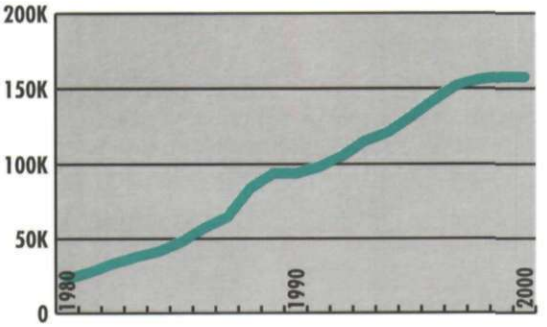
The higher rate of release also has grown California's parole population more rapidly than elsewhere in the nation. The number of parolees in California has increased 10-fold over the last 20 years compared to three-fold nationally. The result is that a disproportionate share of parolees in this country reside in California. Today, 18

California's

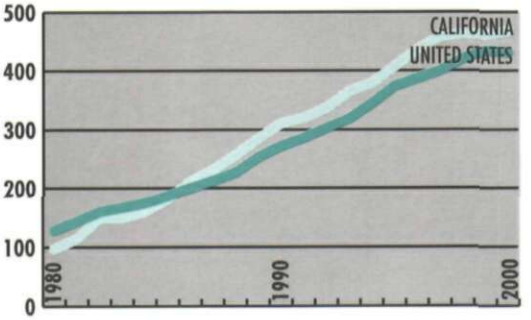
Locking Them Up

The incarceration rate in America has grown four-fold in the past 20 years. California, largely due to its population growth, outpaced the nation with a seven-fold increase. Comparing the per-capita rate for incarceration, California was just slightly ahead of the U.S. with 467 inmates per 100.000 population, compared to 432 nationally.

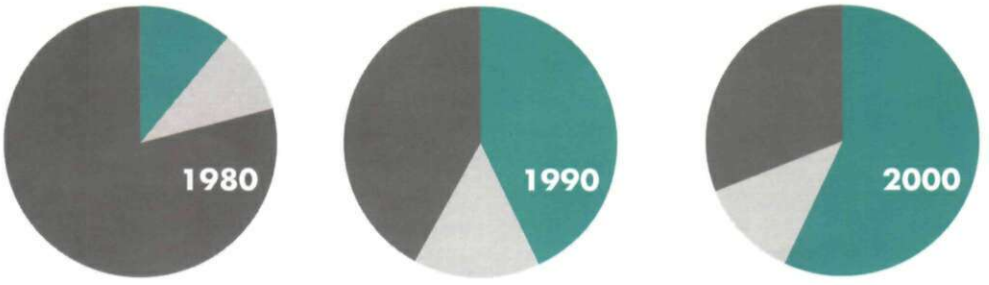
California's inmate population



Per capita incarceration rate, U.S & California (inmates per 100,000 population)



Sources of admission to California prisons



Sources: The Urban Institute, Calif. Dept. of Corrections, U.S. Bureau of Justice

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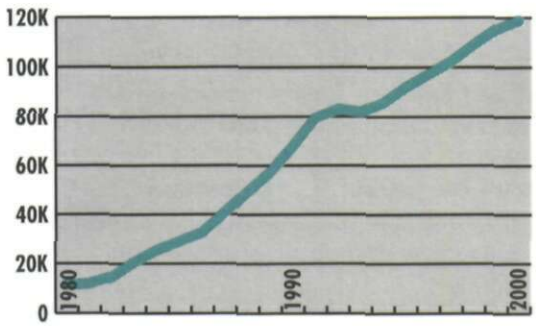
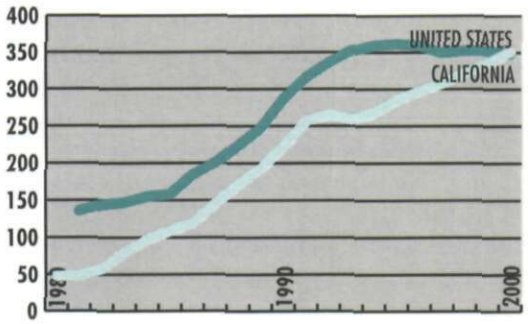
growing parolee problem

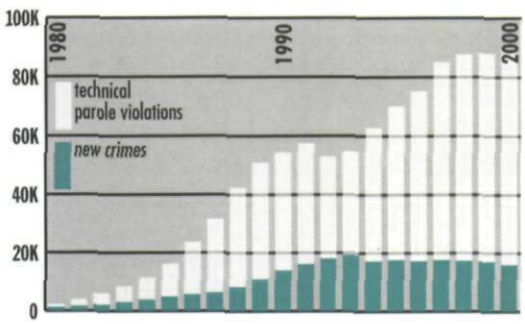
California's parole population



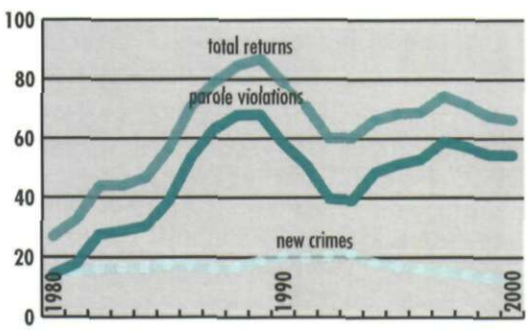
Per-capita parole rate, U.S. & California (parolees per 100,000 population)



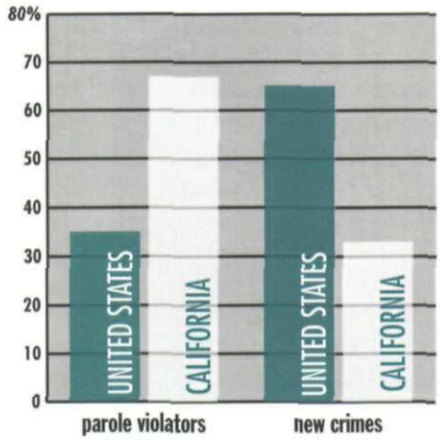
Reasons for return to prison, CA



Rates of return to prison for parolees, CA (inmates returned per 100,000 parole population)



Percent prison admissions in 1999 by type: U.S. & California



The Revolving Door

California's parole policy contrasts sharply with the U.S. Nearly two-thirds of its prison admissions are for parole violations, compared to about one-third nationally. Nationwide, the parole population has tripled in the last 20 years, but California's grew ten-fold. Nearly 1-in-5 parolees in America lives in California. Most striking, California today is returning 30 times more parolees to prison than it was 20 years ago.

percent of the U.S. parole population resides in California (compared to 12 percent of the U.S. population). In other words, nearly one-in-five parolees in America live in California. Even when controlling for population growth in the state, the rate of persons on parole has continued to grow over the last two decades.

Growth in parole violations

A majority of parolees released from California prisons fail to make the transition back to the community and are returned to prison. There were nearly 90,000 parolees returned to prison in 2000, a 30-fold increase from 1980.

A parolee in California can be sent back to prison via two distinct routes — by a court following a conviction for a new crime, or by the parole board for violating the conditions of parole (also referred to as a technical violation). The vast majority of the returns to prison in California are for technical violations, such as missing an appointment with a parole officer or failing a drug test — not for new crimes. It is in this area of policy and practice that California departs most sharply from national trends.

The phenomenon of parole violations can be viewed in a slightly different way. Among those on parole, there has been significant fluctuation in the rate of returns to prison for technical violations, but very little change in the rate of parolees sent back for committing new crimes. The current rate of return to prison for technical parole violations is more than three times higher than 20 years ago.

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In California, the number of parol increased 2,884 percent compare

These trends have a significant impact on who is coming in the front door of California's prisons.

In 1980, 79 percent of admissions to California state prisons were for new commitments — court convictions for new crimes that did not involve a person on parole. By 2000, new commitments had dropped to 31 percent of the incoming prisoner population. Meanwhile, technical violations by parolees accounted for just 11 percent of prison admissions in 1980 and 57 percent in 2000.

California is now the national leader in sending parolees back to prison, according to data published by the Bureau of Justice Statistics. In 1999, more than two-thirds of those arriving at prison in California were there because they violated parole — either for technical reasons or new crimes — compared to just one-third of those nationally.

Putting all of these trends together, we get a picture of the magnitude of California's contrast with national trends.

California has far outpaced the national average in all of the measurements presented in this article. The California prison population has increased 580 percent compared to 301 percent nationally. Likewise, prison releases and the parole population in California has also experienced significant growth — increasing by nearly 1,000 percent in the last two decades compared to an increase of under 300 percent nationally. The most dramatic growth, however, has been in the number of parole violators returned to prison. In California, the number of parole violators returned to prison increased 2,884 percent compared to over 600 percent nationally.

Reasons for parole growth and parole failures

Why has California experienced larger than average growth in the numbers and rates of people on parole? And why is California ranked number one in the nation in terms of parole violators? California has clearly made some policy choices that provide the context for this reality.

One reason is that when the state abandoned indeterminate sentencing in 1977, it kept in place a system of parole supervision for everyone getting out of prison. Other states made different choices.

Less clear, but as important, are the day-to-day policies of the parole apparatus in California. In a 1998 report examining the issue of parole violations in California, the Legislative Analyst's Office pointed to the tough policies of the Bureau of Prison Terms (the agency that conducts parole revocation hearings) that have resulted in more technical violations and longer prison terms. In the world of parole, where so much discretion is exercised outside of public view, it is difficult to pinpoint the levers of the California approach to parole violations.

Perspectives on the California experiment

How should we evaluate the California experiment in incarceration and reentry management? We see three key dimensions of analysis.

First, this form of punishment is very expensive. Professor Michael Jacobson of the City University of New York calculates that California spends $900 million a year to house parole violators — who spend an average of five months in prison when they are returned. He calculates that if California brought its policies in line with the rest of the country — and saw only a third of its prison admissions as parole violators, the state would save $500 million a year.

Second, California puts nearly everyone released from prison on parole supervision. Across the country, there is a great variation in that policy. At the other end of the spectrum, Ohio, Massachusetts and Florida only release about 40 percent of prisoners on parole. There is a simple maxim here: You can't violate someone who is not on parole. So, the decision to use parole and use it extensively, as California does, forms the predicate for the policies regarding parole violations.

The rates of parole violation have changed dramatically in short periods of time, as observed in the 1980s and early 1990s. Presumably this reflects changes in parole policy and management, not dramatic changes in underlying behavior of parolees. In short, policymakers could decide to experiment with new approaches and see results quickly.

Third, the benefits of the current policies are uncertain. It must be acknowledged that the rates of recidivism for released prisoners are very high across the country. Nationally, two-thirds of them will be rearrested within three years and 40 percent will be returned to custody. Yet there is virtually no research documenting the link between revocation policies like those seen in California and reductions in recidivism. That is not to say there is no public safety benefit from the state's high rate of parole revocations. On the contrary, removing 90,000 convicted felons from the streets undoubtedly reduces crime. But we do not know the extent of the crime control benefits of these policies.

Recently, California policy makers have begun to focus on the state's unique parole issues, and there are a number of questions that might be asked. What are the

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violators returned to prison to over 600 percent nationally.

risks posed by the individuals leaving prison? What alternative strategies and resources can be applied to reduce those risks? What is the lowest level of deprivation of liberty that would be required to reduce those risks?

Paul Seave, special assistant attorney general and director of the Crime and Violence Prevention Center within the California Attorney General's Office, said the first order of business is to "address the enhanced public safety concerns that newly released prisoners present to their communities." But he also takes a broader view, asking why California relies on incarceration as the answer to this public safety risk and suggesting that other strategies for managing the newly released prisoners might be less costly and equally protective of public safety.

Elsewhere, the state's Little Hoover Commission voted at a recent meeting to conduct an inquiry into the practices of parole supervision in California, with particular emphasis on parole revocation policies. This examination, undertaken by the nonpartisan watchdog office, is likely to spotlight those issues on the state policy agenda.

Around the country, there is a renewed interest in innovations in this area of criminal justice policy. Some jurisdictions are investing significant resources in managing the transition from prison to community better, particularly the first few months after prison. These investments include transitional housing, work requirements, drug testing and close monitoring of a small number of enforceable conditions. Others are creating community based re-entry coalitions including law enforcement, parole, service providers, faith institutions, community leaders, and organizations of ex-offenders.

Still others are experimenting with "re-entry courts" that oversee the process of reintegration. In these courts, conditions of supervision are openly agreed to and openly enforced. If a new crime is committed, all bets are off and the parolee is prosecuted for the new crime. But violations of the conditions of parole — the technical violations that now fill up the state's prisons — are handled more along the lines of drug courts, with appropriate support services, close judicial monitoring, graduated sanctions for failure to meet conditions, and local detention where needed to enforce the orders of the court.

Our educated guess, based on experiences around the country, is that these approaches might also make sense for California.

— Jeremy Travis is a Senior Fellow at the Urban Institute and former director of the National Institute of Justice. Sarah Lawrence is a research associate at the Urban Institute. *The authors would like to acknowledge the Open Society Institute and Price Charities for their support. Comments may be sent to* **edit@statenet.com.**

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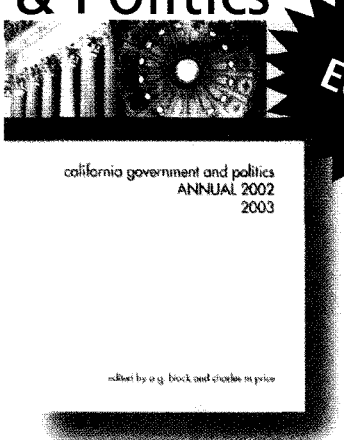

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ELECTION 2002

From the campaign

When it comes to public safety, there
and Democratic positions in the race f
sentencing laws and parole. Her
candidates offered last June to th

Republican Bill Simon

As governor, I'll never forget that the first duty of government is public safety — because without it, our children can't learn, our economy will not grow, and our quality of life cannot be sustained or improved.

As a former U.S. assistant attorney, I learned that when our criminal justice system delivers swift, sure and fair punishment, crime goes down. But when it loses its sense of balance, when it exalts to the extreme the rights of criminals, and when those criminals believe they have a good chance to game the system and escape punishment, crime goes up.

That's what happened in the '60s and '70s, until the courageous activism of victims and their families, combined with the efforts of prosecutors and law enforcement, convinced the politicians to pass the laws, build the prisons and appoint the tough but fair judges we needed to drive crime down.

And it worked. By the year 2000, crime had fallen to a 30-year low in California. Yet despite this welcome progress, I am very troubled by what I see on the horizon.

The resources available to local public safety agencies have been put at risk by Governor Davis' failure to manage our state budgets. With heightened concerns about terrorist attacks here in California, can you think of a worse time for a budget crisis?

Strong laws, such as the death penalty and three strikes, are under increasing legal and political challenge here and across the nation.

In many media, government and academic circles, a sense of complacency about fighting crime has set in. More spending for public safety is routinely disparaged. Support for tough criminal penalties is forsaken in favor of 1960s-style ruminations on the so-called "root causes of crime."

And recently we learned that in 2001, while many areas experienced a drop in crime,

Continued on page 26

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trail: Public Safety

ttle difference between the Republican
overnor. Both are tough on the death penalty,
their own words, are comments both
alifornia D strict Attorneys Association.

Democrat Gray Davis

A lot has been written about my very high regard for the people who fight and prosecute criminals. It is reflected ... in the laws I sign, the judges I appoint, and the no-nonsense approach I take to matters of parole. ... I make no apologies for those decisions. And as governor of this state, I'm proud to side with those people who stand for law and order, plain and simple.

As a matter of fact, if I can be permitted a little hyperbole here — and I think all elected officials are allowed a little — the Davis Administration, law enforcement, and the California District Attorney's Association together have been a dream team for public safety in this state. And in 1999, thanks to your hard work, and the hard work of law enforcement, we launched the biggest drop in crime in this state's history — a 15 percent reduction year to year. Over the three years for which we have statistics [during] my term, crime is lower than it's been since Lyndon Johnson was in office. And just two days ago, you saw the FBI announce that eight of the 10 safest cities in America are in California. So, my friends, together we are doing something right, and we're making a difference. And I say, let's do some more.

I don't have to manufacture a record on crime. I have one second to none. In fact, I have kept more murderers from leaving prison than Mr. Simon has put in prison. I am determined to make sure that if you kill another human being that you are fully rehabilitated before you are let out of prison. And I think of the 90 or so cases I've had before me, 88 are still in prison.

On matters affecting issues that are of grave concern to you, I have repeatedly told members of the Legislature they can forget it if they put a bill on my desk reducing or weakening "three strikes." "Three strikes" has worked. It's kept more people behind prison walls. We

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should keep it the law of the state, and [that's] exactly what we're going to do.

I'm very proud of the work we've done together, with new technology afforded us by DNA. In 2001, I set aside $50 million dollars for cold-hit [investigations with] DNA from the years '94 to '98. There were four in total, not each year, in the aggregate, four situations where DNA solved a previously unsolved crime. In the year 2001, there were 50 cases where a crime was solved because of the use of DNA. Already this year, we're over 100.

People are going to prison, crimes are being solved, and occasionally people are being exonerated, because of the additional grants and money we made available to you, and to local law enforcement, to make sure the right person does the time for the crime. And if anyone needs to be exonerated, the DNA will do that as well. So I think that is a very substantial step we have made together, and we will continue to be as generous as we can when it comes to DNA.

I also want to remind you that when I became governor, the COPS Program was a three-year program about to sunset. It provided $100 million dollars statewide for law enforcement and prosecutors. I have brought that up to $121 million dollars, and made it permanent. And we have continued to fund that in this budget.

As I said before, I have fought the early release of criminals at every possible turn. I think there are 50 or 60 lawsuits [challenging me] in the courts. I'm going to do what I believe is right. Under the Constitution, the courts are going to do what they think is right, and we'll see how all that works out.

Obviously, the president is fighting a war on terrorism; we're all behind him on that, and I want to applaud him for the work he's done with my administration on homeland security. We are the only state in America who was allowed to use their Highway Patrol officers traveling on duty assignments from one point to another in this state, if they are in plain clothes, to carry their weapons on a plane as an extra measure of security for the people of this state. And in-state flights in California, flights that originate in California, represent 31 percent of all the flights in this state, so there are lots of trips these people make to testify at trial; for target practice, which they have to do four times a year; for a variety of other purposes. So I'm proud that he was able to do that.

I thank you for inviting me to be here. I think we've made great progress on crime. I know some of you had doubts about my abilities four years ago and I think we've made crystal clear there's been no governor in the history of this state that's been tougher on crime than I.

Bill Simon continued

California's largest cities and counties saw crime rise 5.8 percent. This is troubling news, and I'd be interested in your views as to its causes.

The safety and security of Californians demand ... strong actions. Let me briefly mention several of them.

First, we must strongly enforce the "three strikes and you're out" law [providing life sentences for multiple offenses] and defend it from legal, political and academic attack.

We also must defend the death penalty from a rising chorus of challenges. In several states, governors have declared or are considering moratoria on capital punishment. That will never happen in California under a Bill Simon administration. Yes, we must make sure that the death penalty is carried out in a fair and legally sound manner. That is the governor's job, and I will make sure that it is done. But I know there are many protections in place and many avenues of recourse to make sure that capital punishment is administered appropriately.

But at the end of the day, those who commit the most heinous act imaginable — willfully and with premeditation taking an innocent person's life — should pay the ultimate price.

In addition, we must affirm the right of every child in California to get an outstanding education and attend a school that is crime-free, drug-free, gun-free and violence-free.

Education is the key to opportunity. Opportunity brings hope. And hope will keep more of our children out of crime, gangs and violence and on a more promising path.

But our children cannot learn if they fear for their lives in the classroom or on the playground. Schools must set the right example and become islands of safety for every child in California.

Finally, one of a governor's most important duties is the appointment of judges. I will appoint men and women with absolute integrity, judges who are tough but fair, common sense judges who will enforce the law rather than legislate from the bench. Judges who will be more concerned about the rights of the victims of crime than they are about the rights of criminals.

You have committed your life's work to these principles and all Californians are in your debt. You deserve the state's full support — and in my administration, you will have it. You will have the tools, the laws and the judges you need to protect California from those who would rob the innocent of life, liberty and happiness.

Very simply, I am running for governor to end the days of drift, deficits and decline in our state. I want California to start acting like a world-class leader again. And I want to renew the California dream for every child and every family — by fixing our schools, expanding our economy and improving our quality of life.

But none of these important goals can be achieved without public safety. I understand that fact and will never have to be reminded of it.

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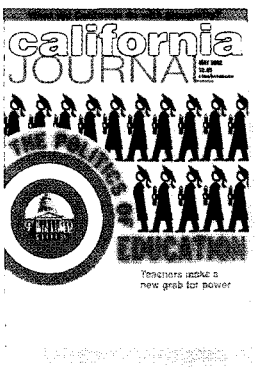
letters

More education power grab

Regarding your story on education [*CJ*, May 2002], I agree with the quote "Children aren't widgets and a classroom is not an assembly line." however, draw a different conclusion.

The state should set up basic charter schools which consist of five teachers (three of whom must be certified) who take responsibility for educating 100 students for the K-12 schooling period. The school board would consist of two teachers and three parents elected by the parent/guardians of the students. The school board would have a budget of the standard expenditure per student (currently $7,000) providing a yearly budget of $700,000 to educate 100 students. Keeping the students together for 13 years will give the students, parents, and teachers time to form strong bonds and associations. Options open up for single-sex schools and other similar groups. Within basic guidelines, great flexibility is provided.



One could also ask why the state is paying a fortune every year for textbooks? The state should contract with its many college professors to produce specific materials to support the curriculum requirements (and, gasp, standard sample lesson plans). These materials should be placed in the public domain (having been paid for with tax dollars) on the Internet and be available for downloading to print, microfiche, CD, and/or electronic book formats. This would enable materials to be tailored for the classes being taught and be easy to correct and revise.

California Connected show unplugs PBS
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JOURNAL
The Middle of Somewhere
The Inland Empire is no longer a lonely desert. But whatever it's going to be, it's not there yet.

Bruce Bibee
Los Angeles

Red Lights

Regarding your column on red lights [Talking Points, June 2002], you stated that red-light cameras installed on intersections in Sacramento County may have been "rounding up" and issuing citations to motorists who had not violated the law.

The Sacramento County Sheriff's Department oversees camera operations throughout the county. Our goal is to ensure the cameras are working properly. After a thorough analysis of the equipment used in the photo-enforcement system, I am absolutely satisfied that "rounding up" has not occurred. Every camera in the county was tested by independent engineers, and those tests clearly showed that the system photographs violations only when a vehicle enters the intersection .2 seconds *after* the light has turned red, which is a violation of the law. The "rounding up" question was a simple misinterpretation in a manual used by the camera vendor. Red light cameras increase traffic safety and save lives, and photo enforcement has been extremely successful in Sacramento County.

John Mcginnes
Undersheriff, Sacramento County

Racial privacy

During the Proposition 209 campaign, I was subjected to an endless and nauseating stream of personal attacks by those who support race preferences and opposed my efforts to end them. They said that I didn't like "being black," that I was an "Uncle Tom," and that I "benefitted from minority set-aside contracts," to name a few of their attack points.

If the recent column by Susan Rasky [The Bottom Line, June 2002] about the Racial Privacy Initiative (RPI) is a reliable barometer, I had better brace myself for another round of personal invective.

First, Rasky suggests that my opposition to government-sanctioned race classifications is, possibly, "further proof that he is among those trying to work out personal issues through the initiative process." Proposition 209 passed by a 55-45 margin, and we obtained 983,000-plus signatures to get RPI on the ballot. If these are "personal issues," then a lot of my fellow Californians are inflicted with the same disease when it comes to "race."

Finally, Rasky suggests that the electorate should take a "refresher course from the Proposition 209 campaign on Connerly's background as a businessman whose firm benefitted from minority set-aside contracts." There will be no Pulitizer Prize nominations coming Rasky's way for this piece, because my firm has NOT benefitted from "minority set-aside contracts."

I am well aware that I will not be nominated for any "Man of the Year" awards by those on my political left. But why are some of them so seemingly incapable of discussing serious public policy issues, such as race, without getting personal and resorting to fact distortion and character assaults? Why can't they judge ideas on the strengths or weaknesses of the arguments and not whether they like or dislike the author of such ideas?

Ward Connerly
Sacramento

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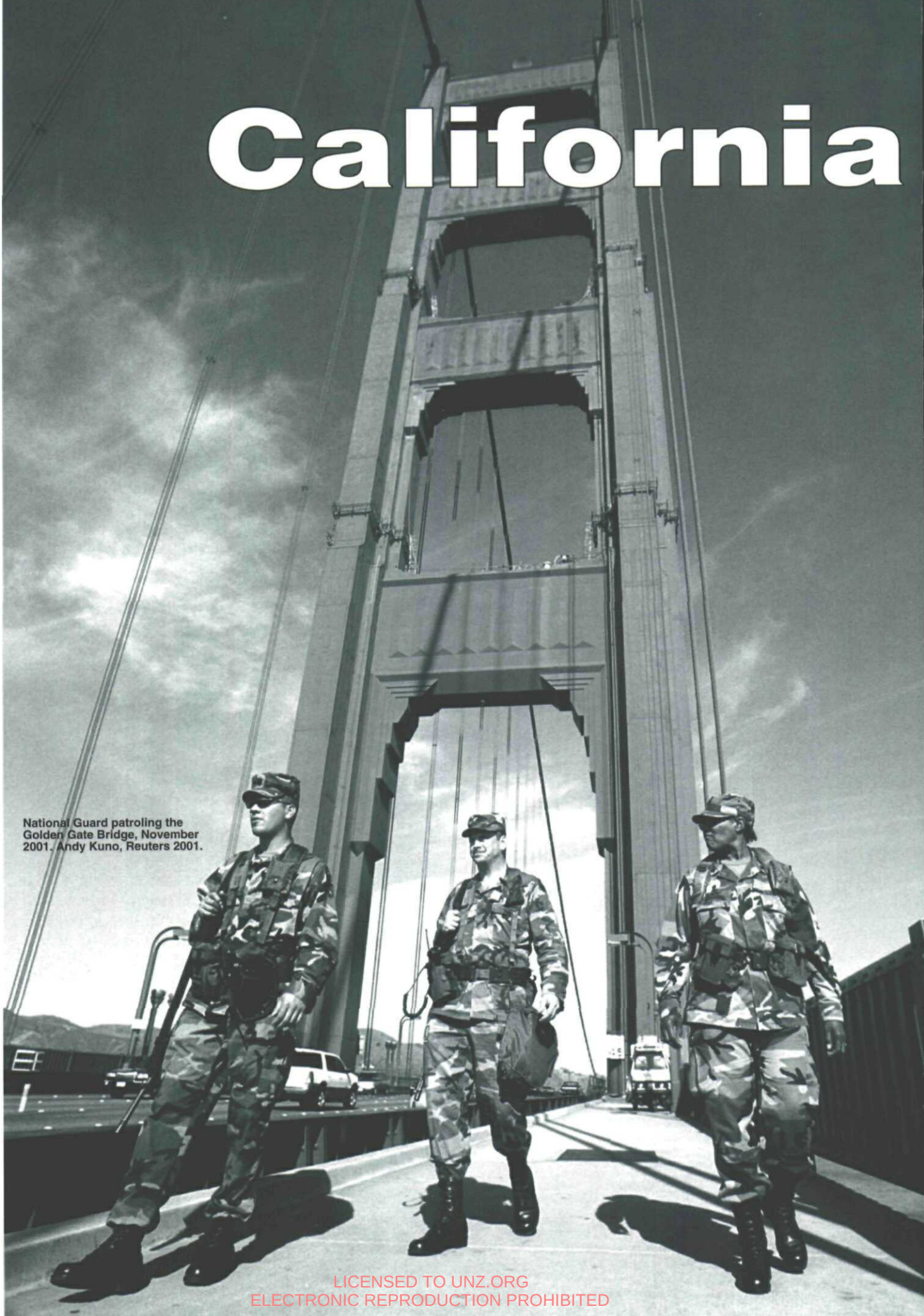
California



National Guard patroling the Golden Gate Bridge, November 2001. Andy Kuno, Reuters 2001.

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responds to terrorism

In the wake of September 11, California was better able than most states to protect itself from terrorism. But even a government prepared for fires, floods and earthquakes had to gear up to meet this formidable new threat.

By Bill Ainsworth

Capitol visitors no longer glide right into the historic government building. Now, they stop, show identification and submit to a search. Truckers no longer cruise past closed inspection stations. Now, the 15 stations scattered across the state are almost always open, keeping a watchful eye on trucks. Highway patrol officers don't just relax and read on in-state flights anymore. Many of them serve as a new flying plain clothes security force. And the increased hassles of air travel has made 38 percent of Californians more likely to consider driving vacations, according to a survey commissioned by the California Travel and Tourism Commission.

These are just some of the subtle changes experienced by Californians since September 11, 2001, when four California bound planes were hijacked and turned into deadly weapons that killed more than 3,000 people and created a far more frightful world for Americans.

Most Californians have noticed only small differences since those attacks. But officials in key state agencies like the California Highway Patrol, the state Department of Justice and the Office of Emergency Services have seen a dramatic shift in their mission toward preventing and preparing for terrorist attacks. The change in job descriptions also has reached into the governor's office, where Governor Gray Davis has hired a new security coordinator — former FBI agent George Vinson — and set up an information center to help local law enforcement officials investigate terrorist threats. (For a profile of Vinson, see page 33.) Davis, who now gets updates from Vinson nearly every day, says preventing terrorism is a new, time-consuming duty for state government.

"We have to provide the leadership, the direction and the reassurance that Californians are looking for," the governor said earlier this year. "By doing that, other issues take a back seat."

It also is expensive. Six months after the attacks, the state had spent $50 million in extra costs, including $17.5 million for new security systems for bridges, $2.1 million to pay the National Guard

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to protect bridges and $20.7 million in overtime for the California Highway Patrol.

Defining a role

California has struggled with defining its role in the war against terrorism, which is fought largely by federal agencies like the FBI and the new federal Department of Homeland Security. In November, Davis tried to take on the role of the state's safety guardian, warning about threats to the four major California bridges, including the Golden Gate and San Diego's Coronado bridge. The FBI subsequently determined that the reports weren't credible, a finding that made Davis look opportunistic to some critics. The governor had more success creating the Safe Skies program that allows specially trained CHP officers to serve as an armed security force on state flights.

In the rush to seem relevant, lawmakers introduced 100 terrorism-related bills this year. Most of them are now dead, judged by the Legislature's Democratic leadership to be either irrelevant or unnecessarily duplicating federal functions. For instance, Davis wanted to expand the state's wiretapping laws to allow so-called roving wiretaps that allow law-enforcement officers to tap all the phones of a suspect, while Republicans pushed to expand the death penalty to include terror crimes. Both proposals stalled after legislators decided that virtually all terrorist acts would be prosecuted under strict federal laws and penalties.

Even a supporter of increasing state penalties for terrorism, state Senator Bruce McPherson (R-Santa Cruz), acknowledged that these bills failed to reach the heart of the matter. "Penalty enhancements aren't the core of the problem," he said. "The best thing is to prevent something from happening."

An effort to overhaul of the state's public-health laws to deal with the threat of bio-terrorism met a similar fate when legislators determined that public-health officials already had many of the broad powers needed to confront an epidemic. McPherson, chair of the Senate Select Committee on Anti-Terrorism, argued that the state should concentrate on areas where it can make a difference.

"Obviously, the federal government is the main body that has to fight the war on terrorism," he said. "But we can play a role. We can be a leader in cooperation with the federal government."

Two of the most significant terrorism-related bills deal with increasing and improving training for the firefighters, paramedics and police officers who first respond to any terrorism attack and helping upgrade their ability to talk to each other through compatible radio systems. The bills would allow California to tap into the new $3.5 billion in federal money available for training, equipment and communication compatibility. In a March meeting, U.S. Homeland Security chief Tom Ridge called California's legislation on training procedures the most comprehensive suggestion the federal government has received from any state, McPherson said.

National Guard patroling the Vincent Thomas Bridge at the Port of Los Angeles in San Pedro after terrorist alerts last November 2001. Fred Prouser, Reuters 2001.

Protecting the Capitol

The terrorist attacks also reignited a debate about building a security fence around the Capitol's perimeter — especially after a suicidal trucker with a history of mental illness slammed his rig into the Capitol earlier in 2001. After passionate debates, lawmakers opted instead for new screening for visitors and a series of thick planters designed to deter cars and trucks from crashing into the building. Some Capitol staffers and legislators said that the new security measures were long overdue, even without the September 11 attacks.

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Governor Davis with the National Guard at a press conference at Los Angeles International Airport, October 2001. Fred Prouser, Reuters 2001.

As a result of the governor's new focus on terrorism, Davis' security advisor Vinson has emerged as one of the brightest stars in the administration. Vinson provides regular briefings to Davis, gathering information about new threats, coordinating the state's anti-terrorism activities and working with federal and local law enforcement officials.

"California is in really good shape on preparedness and planning," he said. "We're working very hard on training firefighters, police and public health workers."

Israeli anti-terrorism experts are scheduled to provide some training to police authorities in California this summer. They will explain how the Israeli government responds to suicide bombers by cleaning up the devastation as quickly as possible, Vinson said. They are also likely to talk about preventing suicide bombings. Training local law enforcement officers is of critical importance, he said, because the September 11 hijackers had numerous small collisions with the law, but none of the authorities conducted a deeper investigation that might have prevented the attack.

"We look at our 100,000 police officers as listening posts and sentries," he said. It takes a long time to train local officials about what information to report, Vinson added, but without proper training the state will suffer from information overload.

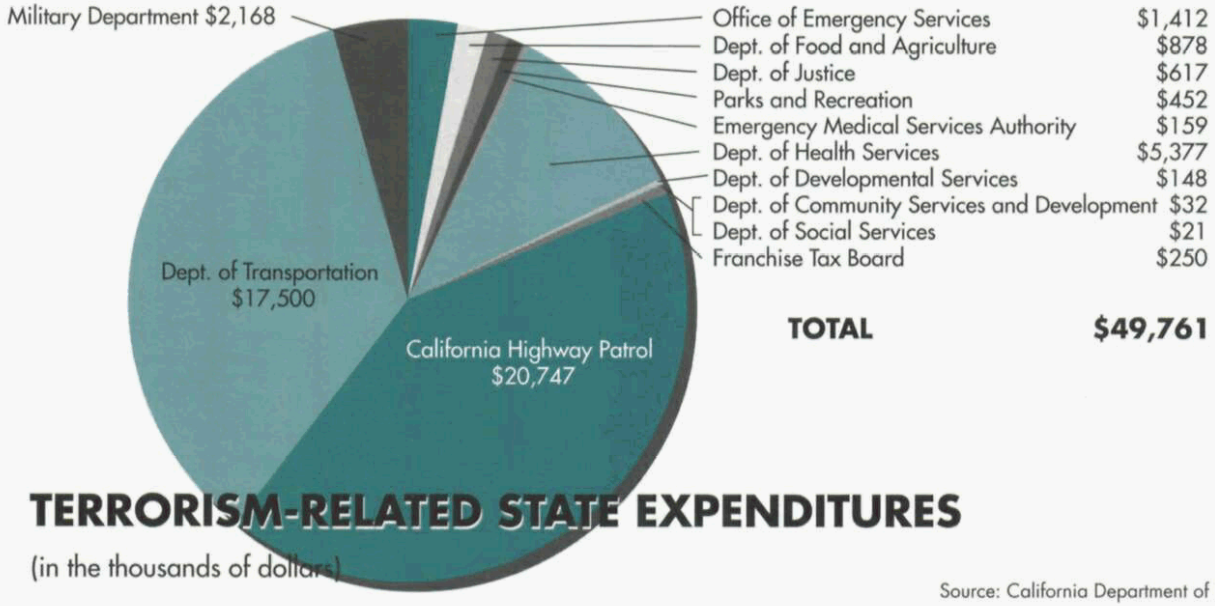
As a state prone to disasters of biblical proportions — floods, fires and earthquakes — California has experience coordinating responses to emergencies through its Office of Emergency Services. Now much of that office is focused on responding to a terrorist attack.

"California has definitely been a leader. The state has had ample opportunity to deal with disasters," said Kae Warnock, research analyst for the National Conference of State Legislatures in Denver.

Right after the September attack, California law enforcement officials decided that the state could lead the way by filling an information gap between the often secretive federal agencies and local law enforcement. They transformed a database and intelligence facility formerly used in the war on drugs into the new California anti-terrorism information center or CATIC. Located in Sacramento, the center produces bulletins that go out to law enforcement officials across the state and monitors investigations from new state terrorist task forces.

"We're the middle man between local agencies and the FBI," said Ed Manavian, who oversees the center for the state Department of Justice.

According to Vinson, the center has helped local offi-


Military Department $2,168
Dept. of Transportation $17,500
California Highway Patrol $20,747
Office of Emergency Services $1,412
Dept. of Food and Agriculture $878
Dept. of Justice $617
Parks and Recreation $452
Emergency Medical Services Authority $159
Dept. of Health Services $5,377
Dept. of Developmental Services $148
Dept. of Community Services and Development $32
Dept. of Social Services $21
Franchise Tax Board $250
TOTAL $49,761

TERRORISM-RELATED STATE EXPENDITURES

(in the thousands of dollars)

Source: California Department of Finance

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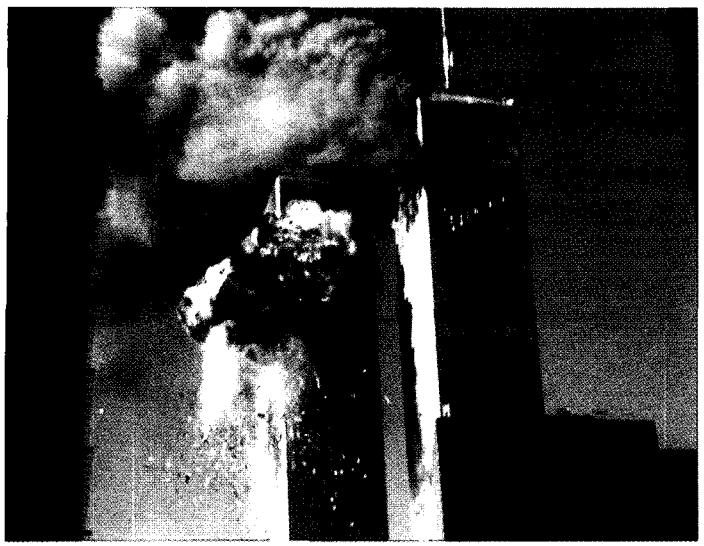

"When it first happened we were shocked, then we were scared, then we were angry, then we were confused. Now, we're alert."

— San Diego County Sheriff Bill Kolender.

cials conduct deeper investigations that have unearthed fake documents, money laundering operations and credit card scams. Sometimes it handles lower-level investigations that aren't a priority for the FBI but cause worries among local officials.

Earlier this year, for instance, the center helped Redding police, who were investigating a caller asking suspicious questions to officials of the Redding Air Show. The caller, who had a Middle Eastern last name, wanted to know about security for the show, including the number and type of planes and the number of officers who would be there.

"It seemed very, very suspicious," said Bob Blankenship, Redding chief of police.

Officials from the anti-terrorism center dispatched a team in Southern California to interview the caller. It turned out that he was merely a curious air show fan, not a potential terrorist. Local officials breathed a sigh of relief and the show went on as planned. Blankenship said the center served a valuable purpose by reassuring local officials.

Unlike the FBI, investigators at the California center can keep local officials apprised of investigations that come from local tips. "The federal government, either by law or by choice, would not share information with locals, or even in some cases among themselves," said Blankenship.

Sharing information

Federal legislation would allow the FBI to share more information with local officials. Vinson is trying to get security clearance for key state law enforcement officers so they could view the classified information.

"Everybody is working hard to share information," said Vinson, "but it's harder than we thought."

Usually, Vinson said, the FBI classifies information that might compromise the source. But he has been attempting to persuade his former employer to tell local officials about threats in their area without disclosing the source, so they can prepare for a potential attack.

The new focus on terrorism at the California Department of Justice has some officials worried that work on stopping gangs and drug dealers will suffer. Many of the 75 agents and analysts who staff the center came from anti-drug units.

"Our focus is now on terrorism," said Allen Benitez, assistant chief of the newly formed California Criminal Intelligence Bureau. "There's been a reduction in intelligence work in other areas." He hopes that the new budget will allow the Department of Justice to replace the agents and analysts who were reassigned.

Similarly, the California Highway Patrol expects to be among the few agencies in state government to add officers and employees during this difficult budget deficit year. Of all the state agencies, the CHP probably has taken on the most new responsibilities. Since the terrorist attacks, officers have put in thousands of hours of overtime guarding the state's power plants, bridges, dams and aqueducts. CHP planes and helicopters now fly virtually around the clock to monitor activities across the state. Truck inspection stations once open only part-time now operate nearly 24 hours a day, said Anne Da Vigo, spokeswoman for the CHP.

"This has taxed our folks quite a bit," she said.

In next year's budget, the CHP has requested five new helicopters and 300 new officers, including 150 to handle truck safety. The agency also is seeking $2.3 million to give all 7,000 officers a terrorism kit that includes a breathing filter, rubber gloves and protective clothing.

Ultimately, the state's chief responsibility will be to coordinate local and federal efforts. "It's important that the state help glue these things together," said San Diego County Sheriff Bill Kolender, who has noticed a variety of changes in officials and residents throughout California since September 11.

"When it first happened we were shocked, then we were scared, then we were angry, then we were confused," he said. "Now, we're alert."

Bill Ainsworth is a Capitol reporter for the San Diego Union Tribune. *Comments on this story may be sent to* **edit@statenet.com.**

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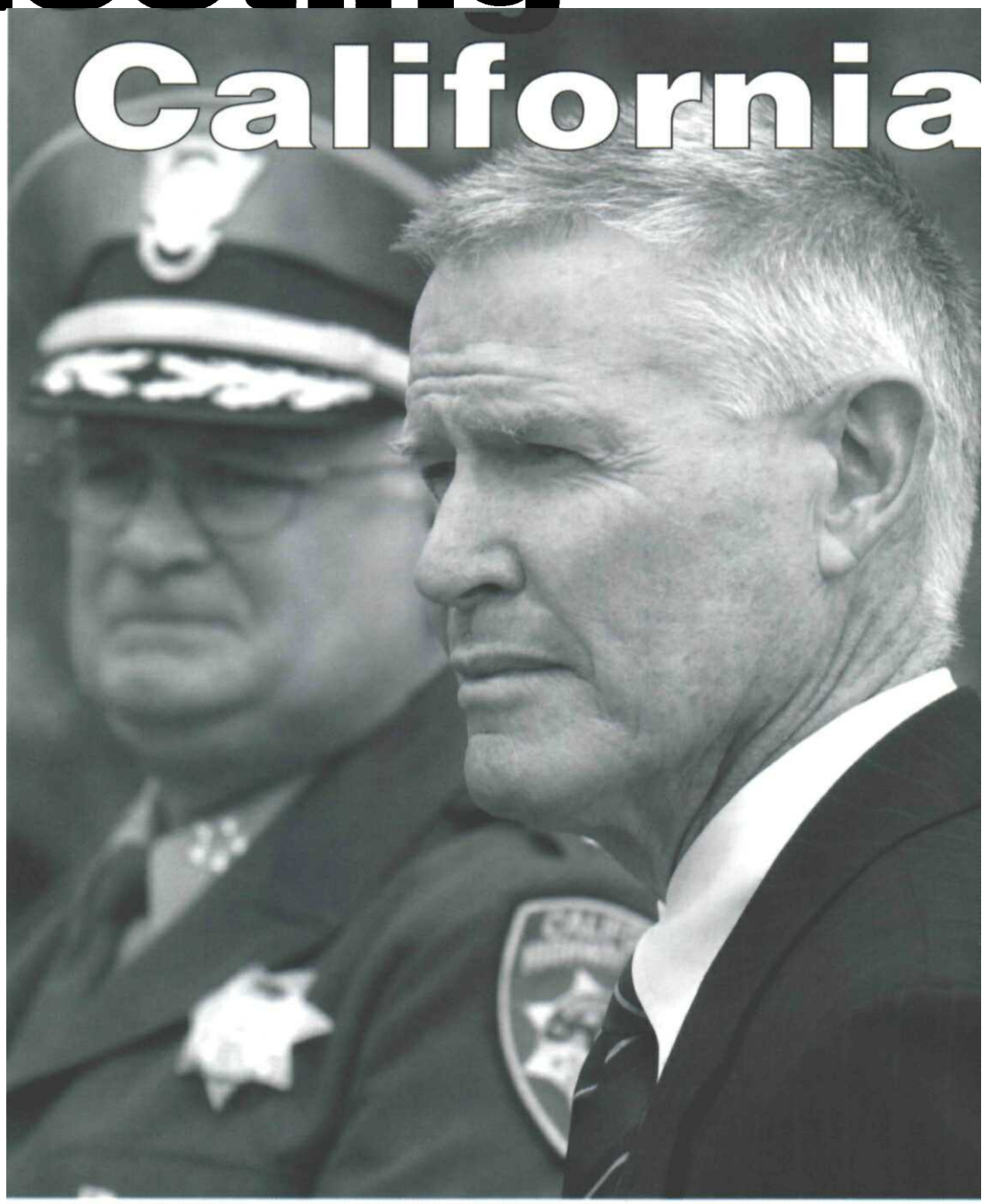
Protecting California

George Vinson has a daunting job: protect California from terrorism. So far, the former FBI agent has earned bipartisan praise for his efforts. But the state's first-ever Special Advisor on State Security understands that government can only do so much to prevent an attack, and that "success" ultimately will be measured by how well the state responds to the unthinkable.



George Vinson with Highway Patrol Commissioner, O. M. Helmick

By Claudia Buck

When George Vinson first got a call about two planes crashing into the World Trade Center that September morning last year, his first thought was: "It's al-Qaida." Although retired from the FBI for two years and living in Gold River, an upscale suburb of Sacramento, Vinson just *knew*. As former head of the FBI's counter-terrorism unit in San Francisco, Vinson was well-versed in al-Qaida's methods and mind-set. To Vinson, the attack had al-Qaida's fingerprints all over it.

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That kind of insider background is what led him just five weeks later to become Governor Gray Davis' appointee as the state's first-ever Special Advisor on State Security. It is a job he neither expected nor anticipated. But when the call came, the 23-year FBI veteran found he couldn't say no.

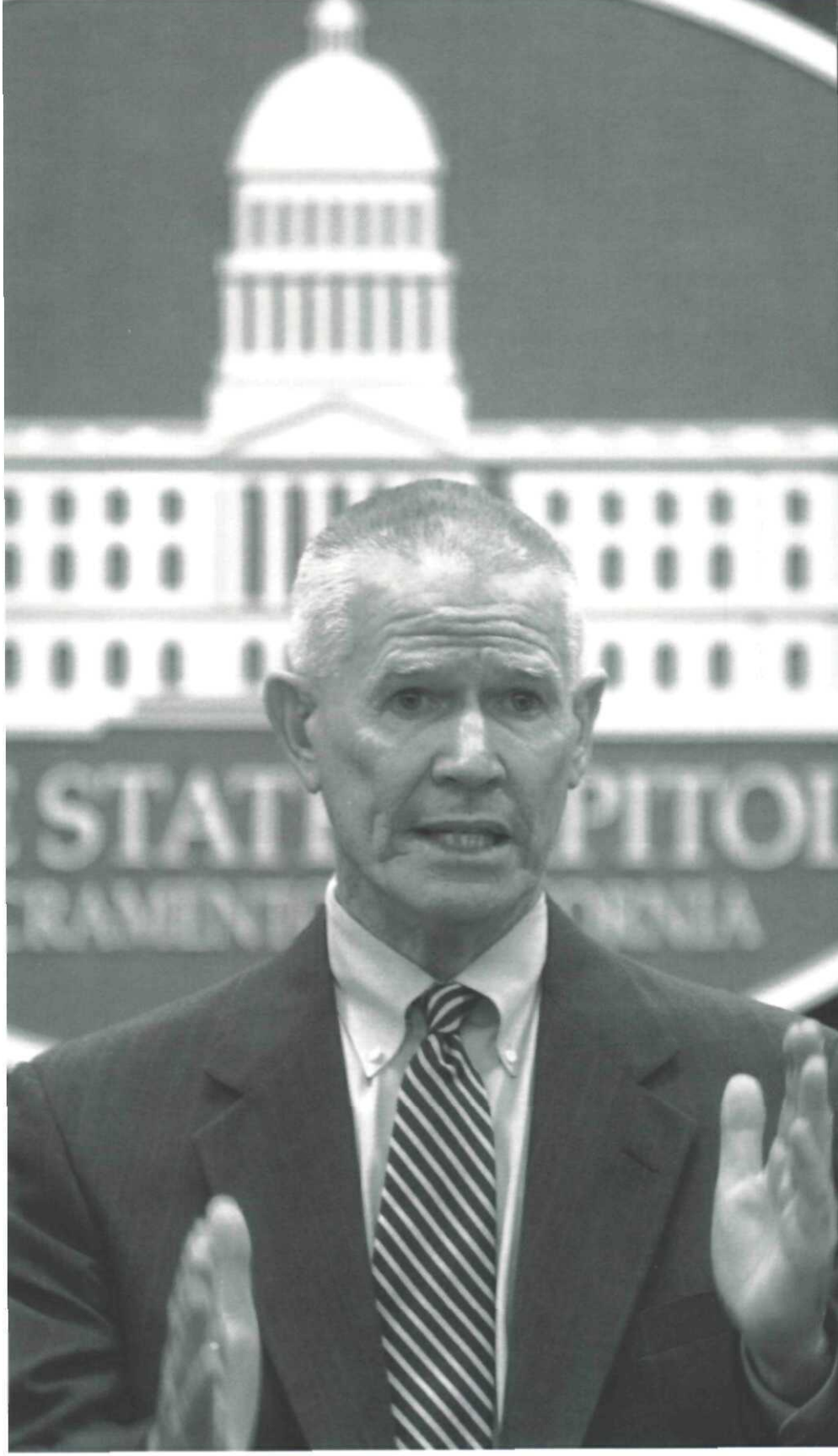
At 58, Vinson is tall, tailored and athletically trim. With his buttoned-down shirt and crisp Marine-style buzz cut, Vinson looks like a military man. And indeed, his talk is peppered with war lingo. He speaks of "site-hardening" targets, tactical maneuvers, setting up "war rooms."

Yet this civilian-turned-state security advisor is equally affable, willing to sit down with a Diet Coke and chat for more than two hours about California's state of alert, its preparedness for potential terrorist attacks and how he personally handles the pressure.

After more than eight months in his job, Vinson admits he's troubled "that we can't fight this fight and get our arms around this completely. We're no closer to eliminating terrorism than we were on September 11. They [terrorists] are not going to go away easily." And until they do, Vinson's job is to advise the governor on counter-terrorism issues, act as the state's liaison to federal Homeland Security Chief Tom Ridge, and prepare the state to prevent and, if needed, respond to any terrorist attack, whether it's a bombed building or a bio-tainted water supply.

A lifelong Republican, Vinson said he has no problem working for a Democratic governor.

"He's the strongest supporter of law enforcement of any governor I've ever worked for in California," said Vinson, whose law enforcement career dates back to Ronald Reagan days. Vinson credits Davis for taking "a lot of very aggressive leadership" in the immediate aftermath of September 11. "He's a former military guy. ...He understands tactics. He understands war."



Title and access

Comfortably settled in a "cushy" job as corporate security advisor to Barclays Global Investments, an international financial firm, Vinson had only two criteria when asked to take the $118,000 state job and a sizable pay cut. The first was that he be reinstated as a law enforcement officer.

"If I was going to work with the sheriffs and the police chiefs, I needed to be one," he explains. And second, that he be given direct access to the governor himself. He hasn't been dis-

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appointed on either front. Although he usually works through Lynn Schenk, the governor's chief of staff, Vinson said he can pick up the phone or walk into the governor's office at any time.

Vinson also applauds George Bush administration's tactics in invading Afghanistan and toppling the Taliban, as well as investigations that froze or confiscated some of al-Qaida's financial assets. "We've got them on the run. We've got them disrupted ... but it would be naïve to think we've eliminated them."

Like a wounded animal, al-Qaida operatives eventually are going to lash out again in anger speculates Vinson. "That hatred [of the West] is still there. They're probably getting angrier, if anything, and they're going to have to do something to prove they're still viable."

What that something is — and where and when it will occur — is anyone's guess. Vinson has said, quoting federal intelligence sources, that some kind of attack is likely this summer. Vinson's mission is to prevent that attack in California, if possible; and if not, to be ready to respond with police, fire and medical emergency personnel who are highly trained and equipped to deal with any type of terrorist attack, whether it's bombed buildings or a biochemical leak.

Asked whether it's truly possible to make any place safe from a terrorist attack, Vinson doesn't hesitate. "When you're dealing with suicidal adversaries, the answer is absolutely not. We just can't assure that every supermarket, every Starbuck's café or Denny's restaurant won't have a suicide bomber come in there. All we can do is work our prevention as strongly as we can ... secure our targets and do our response planning so we can show that we as a government are on top of it. That's where California is extremely strong."

Vinson's state security system got its first workout during the 4th of July weekend, when an Egyptian immigrant opened fire at an El Al airline ticket counter in the crowded Los Angeles International Airport, killing two people before being shot dead by airport police. Vinson got the call within minutes of the first shooting. "Our command center went up just minutes after the shooting at El-Al. Everyone was called up. It tested our resources like if we'd had a 9/11 bombing. It was a real-time drill."

Although the shooting apparently was not terrorist-related, Vinson said the state's law enforcement personnel went into high-alert and stayed that way throughout the four-day holiday weekend, maintaining contact with homeland security officials in Washington, D.C., New York and Florida. Much of the state's security planning is deliberately kept under wraps, which is why Vinson bristles when those plans are called into question. When Governor Davis' GOP gubernatorial rival Bill Simon recently accused Davis of not having a clear-cut security plan, Vinson called such charges "spectator ignorance."

Bipartisan praise

As the September 11 anniversary draws near, Vinson has earned high marks from Democrats and Republicans alike. Assemblyman Carl Washington (D-Compton), chair of the Public Safety Committee, said the mere fact of Vinson's appointment as security advisor "took the state to a new level" of preparedness. "California is ready, if, God forbid, something does happen," says Washington.

State Senator Bruce McPherson (R-Santa Cruz), who chairs the Senate Public Safety Committee, considers Vinson a "no-nonsense individual" who's got the right stuff for the job. "He's made it very clear he doesn't want to fool around with political agendas. He's got a job to do — and that's to protect the state," says McPherson, who worked with Vinson and Senate President pro Tempore John Burton (D-San Francisco) in drafting SB 1350, which would create training programs for police, fire and emergency medical personnel responding to terrorist attacks.

Perhaps Vinson's biggest challenge has been improving the communication and information-sharing between FBI, police, fire and sheriff departments. Within weeks of his appointment, the state established the California Anti-Terrorism Information Center (CATIC), the first state intelligence-gathering center in the country which gathers terrorist tips from police and local law enforcement. When he ran the FBI's counter-terrorism unit in San Francisco years ago, "I would have given my right arm to have had this type of police officer information," said Vinson, who dealt with a number of terrorist groups operating in the state, including the Red Brigade, the Irish Republican Army and various Islamic Jihads.

Vinson said the FBI initially was opposed to California launching its own intelligence-gathering center, fearing it would conflict with its own. And there was some initial FBI reluctance to share information with local law enforcement — barriers that were both cultural and technological, ac-

We just can't assure that every supermarket, every Starbuck's café or Denny's restaurant won't have a suicide bomber come in there.
— George Vinson

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cording to Vinson. But today, CATIC officials are working side-by-side with members of the FBI's Joint Terrorism Task Forces, known as JTTFs, small groups of FBI, police and sheriff's deputies with top-secret clearances. For the first time, CATIC and JTTF officials are housed together in undisclosed buildings in four cities — San Francisco, Sacramento, Los Angeles and San Diego — where they receive classified information on potential terrorist activity. The teams pursue tips, conduct surveillance and analyze the voluminous amount of data pouring in since September 11. These combined teams have significantly expanded the focus on terrorism prevention. Before September 11, the Sacramento JTTF, for instance, had just six or seven agents working on terrorism; today, it has 50 to 60 individuals.

Acutely aware that the FBI has been widely criticized for not sharing data and missing cues on tips it had in hand, Vinson believes the current system goes a long way in pooling knowledge in the fight against terrorism. But, he says, state officials are now beginning to understand the difficulties that the FBI had in accumulating, sorting and analyzing the endless stream of information. "What do you share ... nebulous, speculative, bulk information? Or do you wait until you have really target-specific, reliable, actionable information? ...It's very problematic."

Although state and federal officials still wrestle with what and how much to tell the public, Vinson and others believe the intelligence gathering network is vastly improved since September 11. California's bridges, its ports, even Los Angeles itself have been frequently cited as potential terrorist targets. Asked whether the Capitol is considered at high risk, Vinson says it's on the critical list.

In addition to such obvious security measures as parked CHP cars on the grounds and handbag searches at the door, there are less-obvious methods in place, extending into the blocks surrounding the Capitol. "We've got 24/7 layers of perimeter security, some of which you see and some of which you don't."

In the event of an attack, there are evacuation plans in place for the governor and the state's constitutional officers, to ensure the continuity of state government. In each city where the governor has an office — San Francisco, Sacramento, Fresno, Los Angeles and San Diego — a secure, unnamed location has been identified in case it becomes necessary to whisk the governor into hiding.

Not all legislators find the stepped-up security measures reassuring — or even necessary.

"It's paranoia writ large," declares state Senator John Vasconcellos (D-San Jose), vice chair of the Senate Public Safety Committee. "Ever since 9/11, when you drive into the Capitol garage, there are guard dogs and CHP officers waving a wand under your car, like the fairy godmother," scoffs the longtime legislator. All the repeated terrorist warnings and added security measures, he contends, "have fomented terror, rather than alleviated it. It almost invites attack."

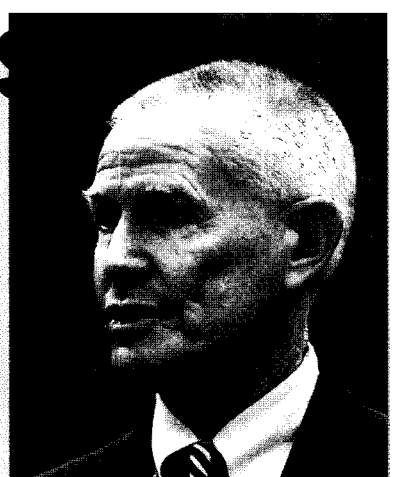
But Vinson makes no apologies for beefed-up efforts — many of which he won't disclose — to secure the Capitol. He's more concerned that average Californians will become jaded by the frequent warnings of terrorist attacks that never materialize or, worse, become too jittery to live their lives freely.

"We have to walk a balance beam between not being looked at as 'crying wolf' and not unduly frightening people or making them anxious," says Vinson. "At the same time, as Governor Davis has constantly said, we need to treat Californians like adults."

A family of Kennedy Democrats

Growing up in a Catholic family of Kennedy Democrats, there was no early indication that Vinson would grow up to become a Republican law enforcement officer. But once he made up his mind, Vinson never wavered. He credits his centered-ness to his Catholic upbringing in Sacramento's Oak Park, which in the 1950s was a blue-collar, working-class neighborhood of whites, blacks and Hispanics. He learned discipline from the elemen-

George V. Vin



Home:
Sacramento

Education:
B.A. California State University, Sacramento

Family:
Married 38 years; wife, Carolyn
Children: Jill and Michael

Career:
California Highway Patrol, 1966-1976

FBI, started as a Special Agent with postings in Phoenix, Los Angeles, Fresno and Washington, D.C., ultimately rising to Assistant Special Agent in charge of the San Francisco Office, 1976-1999.

Deloitte & Touche, senior manager and practice leader in charge of forensic accounting and investigative services, 1999.

Barclays Global Investors, in charge of corporate security program, 1999.

Special Advisor on State Security to Gov. Gray Davis, 2001-present.

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"We have to walk a balance beam between not being looked at as 'crying wolf' and not unduly frightening people or making them anxious." — George Vinson

tary school runs who he says cracked wooden pointers over students' heads in class when anyone was out of line. And he learned street smarts and racial awareness from his mixed-race neighborhood, which he says proved invaluable during his 10 years as a CHP officer.

Vinson's father, a World War II vet and manager of a Goodyear Rubber store, died of colon cancer when Vinson was 10. His mother was left to raise six kids alone. Part of what kept him on the straight-and-narrow as a kid, he says, was his determination to never disappoint his mother — or the nuns — by winding up in juvenile hall.

He graduated from Sacramento High in 1962 and married his high school sweetheart, Carolyn. They have been married 38 years, during which they moved 17 times for his career — first as a CHP officer, later with the FBI — to Phoenix, Los Angeles, Washington, D.C., and San Francisco.

As a young CHP motorcycle officer, he was often on riot duty with Vietnam War and other protestors in the late 1960s and early 1970s. He was sent to People's Park in Berkeley, Isla Vista at University of California, Santa Barbara and East Los Angeles after the Watts Riots. At 21, he was not much older than the 1960s protesters he was assigned to patrol. But he says his moral compass kept him behind a badge and not out in the streets.

"I never hated the hippies. In many ways, I admired their free spirit and the philosophy behind it. It's just that I didn't think [their vision] would *work,*" he says, laughing.

The Vinsons have two children. Son Michael an American Airlines pilot, was grounded at New York's La Guardia airport the morning of September 11 and was the first one to call his Dad with news of the World Trade Center crashes. A U.S. Air Force reserve pilot, he recently returned to work after flying refueling jets during the U.S. invasion of Afghanistan. Their daughter, a former CPA, followed in her Dad's footsteps and has been an FBI agent in Los Angeles for seven years.

Asked how he sleeps at night, given what he knows, Vinson cracks a grin. "I'm hard-wired for this. I treat life philosophically and take it as it comes. And I run."

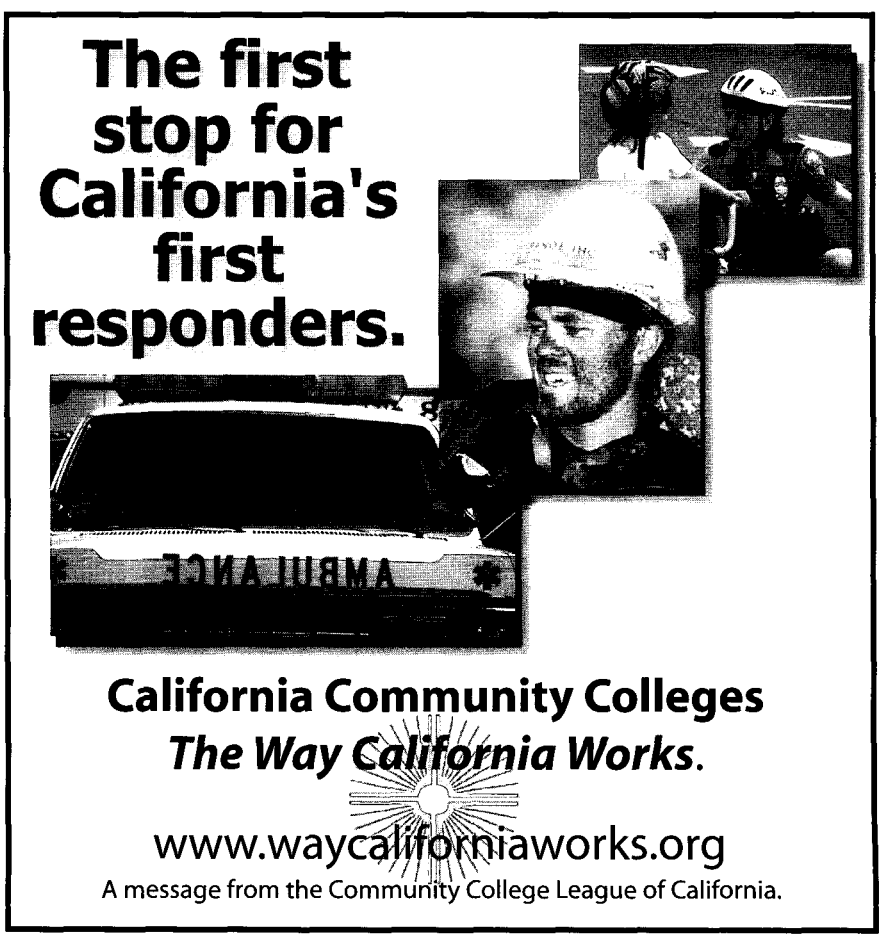
A lifelong fitness buff, Vinson says he's out on the American River bike trail every morning at a quarter to five, running up to eight miles a day. A former marathoner, running is how he stays in shape and how he keeps stress at arm's length.

For a man accustomed to dealing with bad guys, al-Qaida is not Vinson's worst nightmare. "There are much worse — far worse — Jihads than al-Qaida. Bin Laden is as extreme as you want to get, but there are many more extremists out there that hate everything the West stands for."

Ultimately, that's why he took the security advisor post. Vinson doesn't say how long he'll stay in the job, or even how long the job will be necessary. But he knows why he's there.

As a kid, Vinson says, he "never liked bullies; I always fought for the underdog; I always got into my worse fights sticking up for somebody. ...I guess this is just a higher calling in dealing with bullies."

Claudia Buck is a California Journal *senior editor. Comments on this story may be sent to* **edit@statenet.com.**


The first stop for California's first responders.
California Community Colleges
The Way California Works.
www.waycaliforniaworks.org
A message from the Community College League of California.

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The Terminator takes on a cause

Arnold Schwarzenegger has thrown his hat into the political arena — not as a candidate but as sponsor of an initiative to fund after-school programs for at-risk kids.

Edited by David Lesher

Now this could only happen in California. An initiative on the upcoming November ballot is being pitched by a man in a makeup chair who is having a glowing red eye and other cyborg parts installed. The man, of course, is Arnold Schwarzenegger, who took time from his filming of *Terminator 3* recently to talk with *California Journal* about the After School Education and Safety Program Act, which he is sponsoring. The buzz in Sacramento is that Schwarzenegger is almost certain to run for political office — probably governor in 2006 — and this initiative is an early warm up. He donated $1 million last December to launch the campaign. And, as he tells *CJ*, he'll be featured in TV commercials for the initiative this fall, in addition to a busy schedule of campaign events. The topic of the measure — support programs for at-risk kids — will also introduce California voters to Schwarzenegger's moderate Republican profile. In fact, the opposition is likely to come from conservatives unhappy about a new government program. Schwarzenegger's initiative — Proposition 49 — would increase funding for after-school programs by $550 million, quadruple the current level. The money would add to the education funding already mandated by Proposition 98. And it would only be available after 2004 if state revenues meet certain economic triggers and local authorities provide matching funds.

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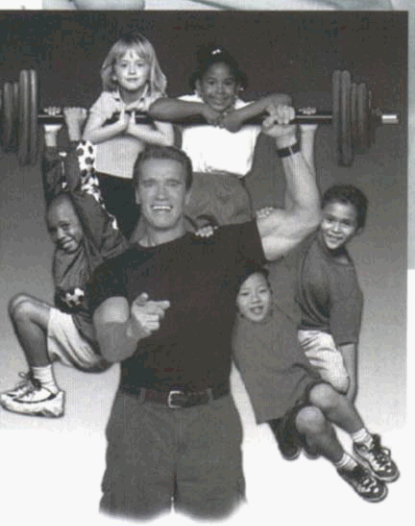

CJ: What is the problem with kids today that this initiative is designed to fix?

AS: The problem is that we, as a country, have not adjusted to the new challenges, which is that now, … kids come from homes where there's a single parent or where there are two parents and both of them are working. More than 50 percent of kids come from this kind of a home. Unlike, you know, 20 years ago when most of the parents were at home, or one of the parents was at home. … So therefore, there is no one there who pays attention to them, that helps them with the homework, that takes them to do sports or to do anything else. … So they are falling behind educationally. Number two, the problem is the kids that are home alone or drifting around after school in the neighborhoods or in the shopping malls or wherever, get into trouble. This is why the law enforcement community has identified those afternoon hours between 3 and 6 o'clock as the danger zone for children; which means these are the peak hours for juvenile crime, the peak hours for teenage pregnancy, gang-related violence, for kids taking drugs, for kids getting involved in drinking and smoking — all of which can destroy their lives. And it costs the community a fortune. All of those things. So what we can do is fill the vacuum … and create an after-school program … We've seen it be successful — kids do so much better in school, they do so much better in their relationships with their peers and their parents and their teachers and all that. More of those kids graduate than if

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they didn't participate in after-school programs. I mean there is just a tremendous change in their behavior, their attitude and their abilities if they go and join after-school programs. That's really what this whole thing is about — it's to create a positive alternative for the kids rather than just throw them out at 3 o'clock after the school door closes and not have anything for them.

CJ: Is the idea that all of the kids who go to [public] school get access to an after-school program?

AS: No, the idea is that only those kids who have no one at home. ... The kids will be selected by the school, [those] who are at-risk kids. I've seen, for instance, at a school for 1,000 students, you usually find there are about 100 students who are at-risk students. Those students should then stay in the school in the afternoon and be then provided with those kinds of programs. ... You have to also make the kids part of the decision-making process — offer the kind of programs they like. You could go to Detroit, and there is an after-school program where they only do skate boarding. And because of the skate-boarding park that the school principal put in, those kids have joined and are eager to stay after school because it is the only skate-boarding park where they can skate for free and have fun. And in return, they have to do one hour of academic work. They make it very simple there. That works there. Somewhere else, like in LA — where it's more challenging because kids have so many more things offered to them — there you have to make the program more interesting. You have to offer many more things, from sports to weight training to drama classes, cultural classes and tutoring and all of those kinds of things.

CJ: I haven't seen any endorsements from the gubernatorial candidates — Bill Simon or Gray Davis. Have you talked to them?

AS: We have presented the initiative to Davis' education people. They were very interested and happy, but, as you know, politics works in a strange way. I think he will come out with an endorsement or will voice his opinion one way or the other when he finds that it will benefit him or benefit whatever. I don't know when that is. We are not that eager about those endorsements, even though Simon loved the idea of after-school programs and has said that he would endorse it and all those things. So I think that he is very much for it. And I'm sure that Davis is also for it, but I think it's up to them and the strategists; when they think it's a good time to come and give an official endorsement. But we have every endorsement that you can think of in California — the California Round Table, the Chamber of Commerce, the Sheriff's Association of California, the Police Chiefs Association, the Police Activities League, the District Attorneys Association — all of those — the medical associations, the teachers unions, the parent-teachers union and association. Everyone has endorsed this intiative because it is a big step forward for our chilrdren.

CJ: You've been characterized as a moderate Republican. There are some conservatives who would describe this as a big government program.

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AS: I think if you don't know the facts, then it could easily be that someone would [think] this would mean the government function would get bigger. If you do know the facts, then you would say the opposite. It really depends on how much knowledge you have. We have just done a study through the Rose Institute on how much it would save the taxpayer. And for every dollar you put in, it would save the taxpayer $9 to $12. So you can see, if you know those facts, then you know that actually spending those $9 to $12 means bigger government because we will have [more kids] in the prison system ... The kids will get involved in one way or the other in a government program. ... I, myself, as you know, am a Republican. So this is the first thing I would shy away from, obviously, if it was just another government program. I [think] a fiscally conservative person will always be pro-government programs that are proven to work, rather than [those that are] just for the sake of having a program to get more votes or to have a program just so it sounds good. Every program — if it's on the federal level or on the state level or on the city level — should be re-evaluated and re-analyzed to be sure that [it] pays for itself... This program, this after-school program, has to be re-evaluated five years from now, 10 years from now, to see if it needs additional work. ... You have to be fiscally responsible, but at the same time, be concerned about helping people, especially our children. Because how long can we say that they are our number one investment? And how long can we say that ... I am an education governor and I am an education senator and I am an education this and I'm an education that and then education goes downhill? How long can we do that? We have to pull ourselves together.

CJ: Do you know where voters are on this topic? Do you expect this to be a close campaign?

AS: We have consistently seen 60 percent in favor and 22 to 25 percent against. So we have really solid numbers that have actually been slowly increasing. And it is up to me to get the message out there. And the more the message goes out there, the more those numbers will increase.

CJ: Is there any opposition yet?

AS: No, but our opposition, naturally, if there is any, is that our economy is not doing well. So if there is any concern, it is usually about, 'Wait a minute, our economy is not doing well.' This is why we [addressed] that by putting a trigger mechanism in there [for the funding of] our initiative... First of all, the program doesn't get funded until the year 2004 and, second of all, if the economy has not recouped... the program will not get funded. So if the economy does not return, and if the economy is sluggish, this program will not get funded. And therefore, no money will be taken away from any other programs, nor will we raise any taxes. We were very sensitive when we drafted the initiative not to raise any new taxes, not to take any money away from existing programs.

There is no one there who pays attention to them, that helps them with the homework, that takes them to do sports or to do anything else.

CJ: What is the common bridge between Hollywood and politics? Why do you think there is so much involvement by Hollywood personalities in politics?

AS: I would say that ... when you are in the entertainment field, you have a built-in platform. You have people listening to you. You have a certain amount of millions of fans out there that would go along with you and believe in you and trust in you and you know, go your way. So I think a lot of what entertainers do — and what [we] ought to do because it's our responsibility — is to use that power of influence that we have on other people for something good; if it is Bono going and making the government forgive the Third World debt in Africa or if it is Rob Reiner being involved in early childhood development or if someone else is involved in the environment. The key thing is just don't become poster boys for different causes. They should actually roll up their sleeves themselves, study the issues, get involved, jump into the trenches and work.

CJ: What about your future? You've talked about running for governor or another office. What are your plans now?

AS: I was intersted in it, but because of my obligations with *Terminator 3*, which I'm filming right now, it was an idea I had for a quick moment until I was reminded that I had obligations — movie obligations — and I should not form an exploratory commission. So I just dropped the idea, for right now. And I'm fulfilling my obligations and doing, in the meantime, more community work, if it is with Special Olympics or the Inner City Games Foundation or the initiative and all that. And continue working on those things that I love to do on the side, besides do my movies. And then later on, I will see. I will see where the whole thing takes me. If I have an interest in it four years from now or not. But the first things first. The first thing that's important now is to make this initiatiave pass so we have after-school progams in every school here in California.

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Environmental theater

by Dana Wilkie

Californians, according to a recent poll, think the environment hasn't improved a lot in the past generation. In short, they don't trust government to do much about dirty air, dirty water or dirty industries.

Who can blame them?

If this summer's political theater over offshore oil drilling indicates how politicians protect our natural resources, then Californians have every reason to be cynical. The principal actors in this offshore oil production were Governor Gray Davis and his election-year rival, GOP businessman Bill Simon. The supporting cast included the president, the president's brother and the nation's oil companies.

The plot? It was not about political leaders seeking to balance the nation's need for oil and gas exploration against California's desire to protect its coastline. It was about politicians manipulating government, taking advantage of public office and veiling the truth to win votes.

It was about politicians manipulating government, taking advantage of public office and veiling the truth to win votes.

The curtain rose at the end of May. There, we found President George W. Bush — whose energy plan would open new frontiers to his oil-industry friends — deciding that oil exploration was not as important in Florida as in the rest of the country.

In Florida, oil and land-holding companies owned mineral rights in the Everglades and leases in the Gulf of Mexico that could have allowed drilling in the Big Cypress National Preserve and on platforms just 25 miles off pristine Panhandle beaches. Drilling, in other words, had become one of the gubernatorial election's top issues. The president's brother, Jeb, was running for re-election to the governor's office.

So the president spent $235 million to buy the property from the companies. This kept many people happy — the oil industry, the landholders, the environmentalists in Jeb's state. And Jeb.

The only folks with any reason to gripe were the taxpayers.

Enter Gray Davis: The Democrat and longtime oil-drilling foe declared that what was good for Florida should be good enough for California. He implored Bush to buy back the 36 undeveloped oil leases that lie off the state's central coast to prevent companies from drilling there. Bush's Interior Department secretary, Gale Norton, entered the picture. Her rehearsed response was this: Bush would not rule out buying back California oil leases, but it was really too early to know if that was a good idea. The subtext was this: California voted for Bush rival Al Gore in the 2000 presidential election, so lotsa luck.

Davis blasted Norton. Hinted at favoritism. Threatened to go to the U.S. Supreme Court. Questioned the secretary's intellectual capacity.

What the governor did not reveal was this: Eight months earlier, Bush's Interior Department did offer the state a deal that would have prevented drilling on more than half of the 36 leases. But California attorneys were not interested. Said, in other words, that they refused to negotiate.

Now comes candidate Simon, who journeyed to the White House last June, sat down with Bush aides, then trumpeted that he had convinced the White House to cooperate with Davis. Presumably because of the deft negotiating touch he acquired during his years in business. The announcement accomplished three things for Simon: It allowed him a bit of shameless upstaging. It underscored his claim that business experience qualified him for high office. And it helped the conservative candidate ingratiate himself with the nine in 10 California voters who say environmental issues will be at least somewhat important in determining their vote for governor this fall.

Unfortunately, it also cast Bush as a rudderless, calculating leader whose chief concern appeared to be not whether oil companies drilled off coastal waters but getting and keeping as many Republicans in state office as possible.

So, it is not surprising that the Public Policy Institute of California in June found that 51 percent of Californians said the government wasn't doing enough to protect the environment. Or that only 18 percent said there's been a lot of progress on environmental problems in the last 20 years. Or that Davis got only 35 percent approval on how he handles environmental issues. And that Bush got only 39 percent.

Perhaps voters sense that the battle over who is "greenest" is really a battle among politicians to use the environment for their own ends.

Contributing Editor Dana Wilkie is a Washington, D.C. correspondent for Knight-Ridder Newspapers. Comments on this article may be sent to **edit@statenet.com.**

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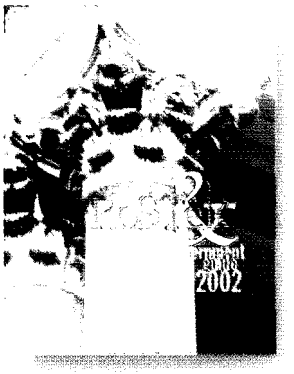
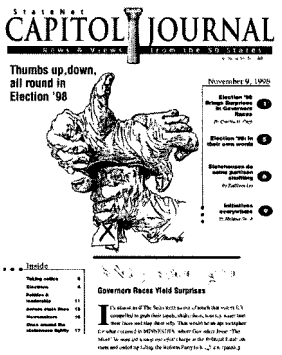
California Roster & Government Guide



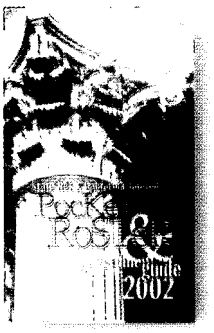
This 8$^{1/2}$x11" Roster contains the name, address, telephone number, top staff and district offices of every member of the Assembly, state Senate, and Congress plus constitutional officers and state departments. Includes 195 photos, legislative process chart, and committee memberships. *Annual, 40 pages, $3.50. Bulk discounts available.*

State Net Capitol Journal



Capitol Journal is *the* publication about political life in the 50 states. Reported and written by the editors of the *California Journal,* it has the feel of a newsletter but the impact of a magazine. The weekly includes an overview of activity in all 50 states and provides hard hitting analysis of key issues and hot election races. The daily focuses on California by providing legislative floor session schedules, committee hearings, Capitol rallies, news conferences, client registrations among the lobbying corps and more. No one whose livelihood depends on events in the Capitol can be without this detailed, informative, and insightful publication. *Daily & weekly. FAX, Web or E-mail delivery. $480.*

California Pocket Roster

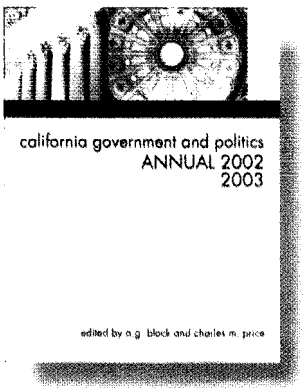


This handy, pocket-sized roster contains names, addresses, telephone numbers, top staff and district offices of every member of the Assembly, state Senate, and our members of Congress plus biographical information, district descriptions, committees, offices of the legislature, and much more. *Annual, 144 pages, $9.95. Bulk discounts available.*

California State Government Directory

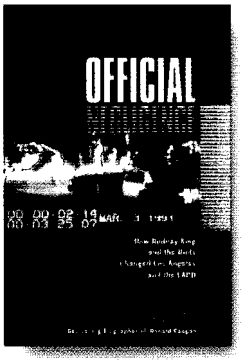
Loose-leaf with quarterly updates. Names, photographs, bios, district descriptions, addresses, phones, party affiliations, committees and staff for the Legislature. State departments, boards and commissions and their top staff. Indexed with more than 2,600 listings. *Quarterly, 170 pages, $125.*

California Government and Politics Annual



Includes a brief overview and reprints of *California Journal* articles covering the three branches of government, politics and elections, lobbying, finance, local government, direct democracy, and other issues. *8$^{1/2}$x11", 96 pages. $8.95.*

Official Negligence: *How the Rodney King Riots Changed Los Angeles and the LAPD*



The Rodney King beating, the trial and its terrible aftermath form the core of this exhaustive study by longtime Washington Post reporter and columnist. *Hard cover, Random House, 698 pages, $15.95. paper.*

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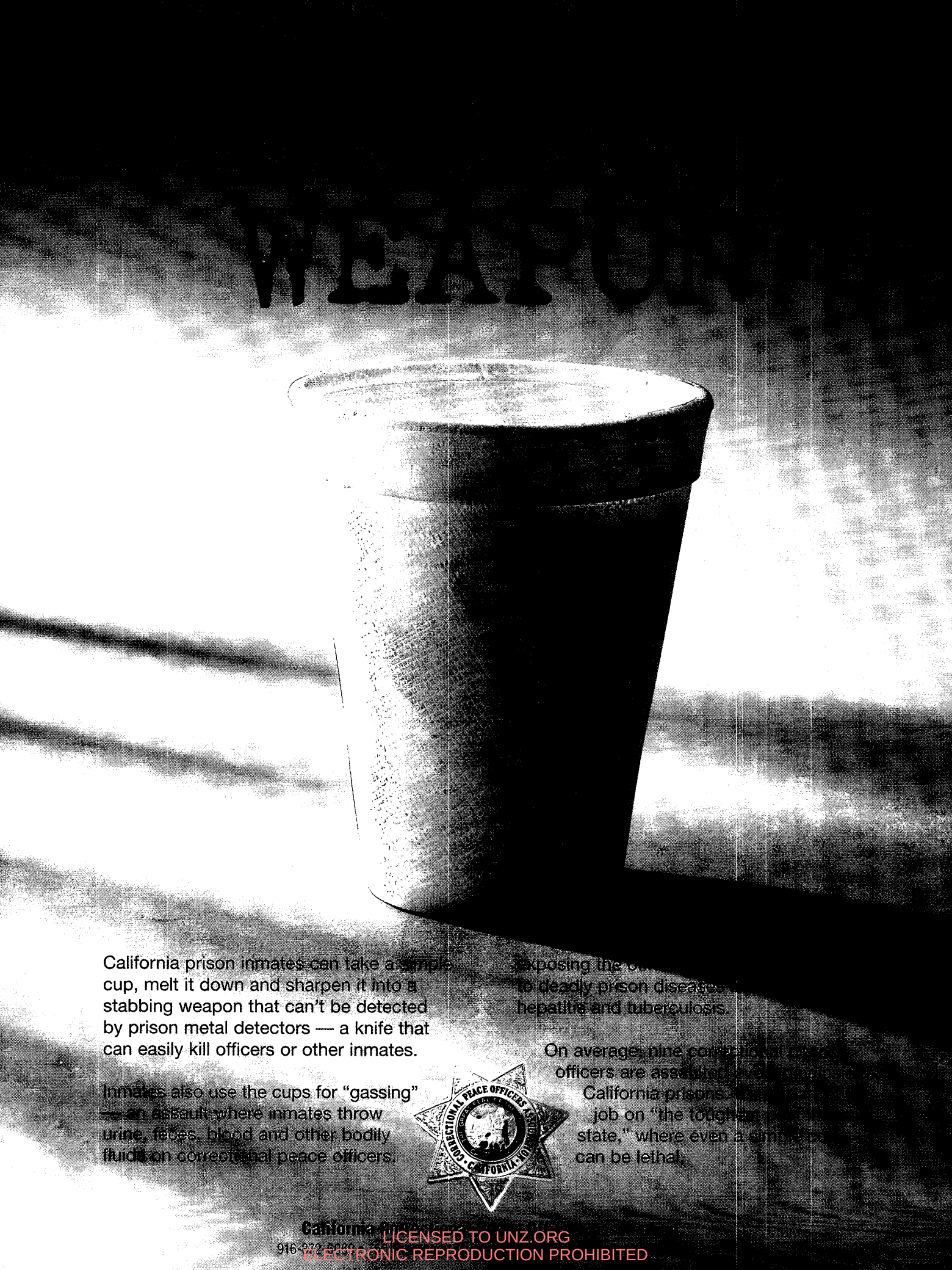

California prison inmates can take a simple cup, melt it down and sharpen it into a stabbing weapon that can't be detected by prison metal detectors — a knife that can easily kill officers or other inmates.

Inmates also use the cups for "gassing" — an assault where inmates throw urine, feces, blood and other bodily fluids on correctional peace officers,

exposing the [illegible] to deadly prison diseases, hepatitis and tuberculosis.

On average, nine correctional peace officers are assaulted [illegible] California prisons. [illegible] job on "the toughest state," where even a simple cup can be lethal.

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